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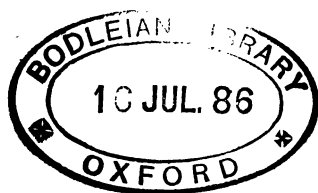
THE
CONSTITUTION AND LAW
OF THE
CHURCH OF SCOTLAND

THE
CONSTITUTION AND LAW
OF THE
CHURCH OF SCOTLAND

WITH INTRODUCTORY NOTE
BY
THE VERY REV. PRINCIPAL TULLOCH

NEW EDITION, REVISED AND ENLARGED

WILLIAM BLACKWOOD AND SONS
EDINBURGH AND LONDON
MDCCCLXXXVI



NOTE BY PRINCIPAL TULLOCH.

THE compiler has mentioned in his Preface that I suggested to him the idea of the present volume. I have also read a considerable portion of it in the course of its preparation, and made some definite suggestions as to its contents and method of arrangement. The volume will be found, I believe, to contain a useful and handy digest of our Church Law, convenient for reference, and especially for hints as to comparison between the present and past legislation of the Church. A law is best understood, like everything else, in connection with its growth and history; and the "historical summary" which the writer has appended to the existing Law of the Church should help members of Church Courts to trace the progress of legislation on the subject—although it is not to be expected in such

a manual that any "summary" of the kind should be exhaustive. The manual has been prepared with conscientious care; and while I have no right to vouch for its accuracy in all particulars, I can cordially commend it.

J. T.

ST ANDREWS, *November* 1884.

PREFACE.

THE admirable little volume by Dr Hill, which for many years formed so safe a guide in the law and practice of the Church of Scotland, has now, to a large extent, been rendered of little use by changes in legislation since the date of its publication.

The object of Dr Cook's useful and well-known work is mainly to provide trustworthy styles of the various writs in use in Church Courts.

In the absence of any brief treatise on the constitution and law of the Church, as now existing, the idea of the present volume was kindly indicated to the writer by Principal Tulloch, who has also, in the course of its preparation, furnished many valuable suggestions, and revised the greater portion of it.

The Writer hopes that a Manual of the Constitution and Law of the Church of Scotland may be acceptable to many. He has studied accuracy as

well as brevity of statement; and, according to a suggestion made to him—but which, he is afraid, he has imperfectly carried out—he has endeavoured to give, not only a clear statement of the present law, but a brief historical summary of the past legislation and practice of the Church, on what appeared to him to be points of interest and importance.

With a view to clearness and utility, he has, in some instances, summarised details—such as in the Standing Orders of the Church; but these Orders, as revised by a Committee, and adopted by the Assembly in the present year, are given in full in an Appendix.

EDINBURGH, *November* 1884.

CONTENTS.

	PAGE
I. ESTABLISHMENT AND GENERAL CONSTITUTION OF THE CHURCH OF SCOTLAND,	1
II. KIRK-SESSION—	
1. ITS CONSTITUTION AND DUTIES—	
Composition of Session,	4
Character and Qualifications of Elders,	4
Parishes without Elders,	5
Provision for securing a sufficient Number of Elders for such Parishes,	6
Election of New Elders,	6
Town held as one Parish,	7
Edict to be Served,	7
Ordination of Elders,	7
Reception into the Session,	8
Confession of Faith and Formula to be Subscribed,	8
Admission of an Elder from another Parish,	8
Meetings of Session,	9
Moderator,	9
Quorum,	10
Ordinary Business,	10
Communion Roll,	11
Proclamation, Marriage, Baptism,	12
Session Records,	61

II. KIRK-SESSION—*continued.*

Representation of Kirk-Sessions in Presbyteries and Synods,	16
--	----

2. JUDICIAL PROCEDURE—

Offences,	17
Instance,	17
Process,	18
Witnesses,	19
Judgment,	21
Dissents,	21
Dissents and Complaints,	21
Protests and Appeals,	21

HISTORICAL SUMMARY—

Elders as Members of Session—

Qualifications,	22
Age,	23
Disqualification,	23
Election,	23
Discipline,	23

Elders to Presbyteries, Synods, and General

Assembly,	24
Communion Rolls,	26

Proclamation, Marriage, Baptism—

Proclamation,	29
Marriage,	30
Parochial Registers of Births, Marriages, and Deaths,	30

III. PRESBYTERY—

1. ITS CONSTITUTION AND DUTIES—

Composition of Presbytery,	32
Meetings,	32
Moderator,	32
Ordinary Business,	33
Students in Divinity,	34
Examining Committees—	
Presbyterial,	34
Synodical,	35

III. PRESBYTERY—*continued.*

Course of Study,	37
Examinations—	
Before Enrolment in Divinity Hall,	37
By the Presbytery,	38
By Synodical Committee,	40
Enrolment in Divinity Hall, and Professors'	
Certificates,	42
Certificates by Professors at the close of the	
Session,	42
Annual Examinations by Presbyteries, and	
Re-enrolment,	43
Discourses to be delivered in the Divinity Hall,	43
Study of Elocution,	44
Attendance at Foreign Universities,	44
Students not to act as Preachers,	45
Trials with a view to License,	45
Private Trials—Preliminaries—Motion,	45
Consideration of Motion by the Presbytery,	48
Transference of Trials,	48
Notice to Synod, and Consideration thereof,	49
Subjects and Order of Trials,	50
Private Trials,	50
Public Trials,	50
Discourses which may be heard earlier,	51
License,	51
Probationers,	52
Removal from one Presbytery to another,	52
List of Probationers to be transmitted annu-	
ally to the Assembly,	53
List of Silenced Probationers and Deposed	
Ministers to be also transmitted,	54
Form of Process,	54

HISTORICAL SUMMARY—

Students—

Enrolment in Divinity Hall, and Examinations,	55
Length of Attendance at Divinity Hall,	59
Training in Divinity Hall,	62
Requirements of the Church as to Conduct, &c.,	64

III. PRESBYTERY—*continued.*

Private Trials,	67
Public Trials,	67
Age at License,	68
Probationers—	
Removal,	69
Subjection to Presbyteries,	70
Lists,	71
Lists of Silenced Probationers and Deposed Ministers,	73
Form of Process,	73
2. ADMISSION AND SETTLEMENT OF MINISTERS—	
Appointment of Moderator of Kirk-Session,	74
Procedure in the Appointment of Assistant and Successor,	75
Intimations to be made on Occurrence of Vacancy,	76
Roll of Congregation,	76
Making up Roll of Congregation,	77
Appointment of Committee by Congregation,	78
Contents of Committee's Report,	79
Giving in of Committee's Report,	79
Congregational Meeting on Report, or on Committee's failure to Report,	80
Adjourned Meeting of Congregation, and failure to meet,	82
Transmission of Documents to Presbytery,	83
Case of Presbytery's Judgment against Settlement,	83
Appeals,	84
Counsel and Agents,	84
Proviso as to Instructions,	84
Settlement of a Probationer,	85
Translation of Minister previously Ordained,	87
Arrangements in the case of Minister's Insanity,	89
Resignation of Ministers,	89
HISTORICAL SUMMARY—	
Admission of Ministers,	90

III. PRESBYTERY—*continued.*

3. JUDICIAL PROCEDURE BY PRESBYTERY—

In its Ecclesiastical Capacity—

Libel—

Its Form,	97
---------------------	----

Processes against Ministers,	97
--	----

Procedure in Court,	98
-------------------------------	----

Position of Minister pending the Proceedings,	99
---	----

Dissents and Complaints, and Appeals from	
---	--

Kirk-Session,	100
-------------------------	-----

Examination by Presbytery of Kirk-Session	
---	--

Records and Communion Rolls,	100
--	-----

Presbytery's Civil Capacity—

Churches, Manses, and Glebes—

Churches—

Rebuilding,	101
-----------------------	-----

Repairing,	102
----------------------	-----

Addition,	103
---------------------	-----

Change of Site of Church,	103
-------------------------------------	-----

Procedure after Church has been rebuilt or repaired,	103
---	-----

Manse and Offices—

Size of Site,	104
-------------------------	-----

Heritors liable in Cost,	104
------------------------------------	-----

Repairs,	105
--------------------	-----

Inspection at Settlement,	105
-------------------------------------	-----

Selection of better Site for Manse,	106
---	-----

Exceptions as to Manses,	106
------------------------------------	-----

Glebe—

Extent,	106
-------------------	-----

Substitute for Arable Glebe,	106
--	-----

Grass of Church Lands,	107
----------------------------------	-----

Surface of Glebe,	107
-----------------------------	-----

Excambion,	107
----------------------	-----

Stay of Judgments of Presbyteries by Petition to Sheriff,	107
--	-----

Appeal to Lord Ordinary in Teind Cases,	108
---	-----

HISTORICAL SUMMARY—

Churches, Manses, Glebes,	109
-------------------------------------	-----

IV. SYNOD—

Its Composition,	111
Its Powers,	111
Meetings and Ordinary Business,	112

V. GENERAL ASSEMBLY—

ITS COMPOSITION,	114
COMMISSIONERS TO THE GENERAL ASSEMBLY—	
From Presbyteries—	
Time of Election,	114
Number of Representatives of Presbyteries,	115
From Royal Burghs and Universities,	116
COMMISSIONS,	117
TRANSMISSION OF COMMISSIONS,	117
COMMITTEE FOR EXAMINATION OF COMMISSIONS,	117
MEETING OF ASSEMBLY AND PRELIMINARY BUSINESS,	118
APPOINTMENT OF COMMITTEES,	119
MEETINGS OF COMMITTEES,	120
COMMITTEE ON OVERTURES,	120
PRESENTATION OF OVERTURES—	
From Synods and Presbyteries,	121
By individual Members of Assembly,	122
COMMITTEE ON BILLS—	
Business,	122
Appeals and Complaints,	122
Record,	122
REFERENCES—	
Transmission of Record,	123
Productions, with Petition to Committee,	123
Transmission by Committee,	124
ORIGINAL PETITIONS OR OTHER APPLICATIONS TO THE ASSEMBLY—	
Productions, with Petition,	124

V. GENERAL ASSEMBLY—*continued.*

REGULATIONS AS TO PRINTING—

Transmission of MS. to Agent,	124
Printing and Expense,	125
Form of Print,	125
Exceptions as to time of Transmission,	125
Copies of Print,	126
Option, in certain Cases, as to Printing,	126
Lodging and Printing Overtures,	126
Copies of Print to be preserved,	127
Proof-sheets,	127

ORDER OF PLEADING—

In Appeals, and Dissents and Complaints—

One Appellant, or one Set of Appellants, &c.,	127
More than one Appellant, or more than one Set, &c.,	128

In References—

Statement of the Reference,	128
Hearing Parties,	128

In Review of Inferior Court Judgments—

Appearance by Member of Inferior Court,	128
Position of Presbytery when its Judgment is affirmed by Synod,	129
Reversal by Synod of Presbytery's Judgment,	129
Reversal by Synod of Presbytery's Judgment on Dissent and Complaint,	129

In Petitions and other Applications to the
Assembly—

Order of hearing Parties,	129
-----------------------------------	-----

ORDER OF DEBATE IN THE HOUSE—

Putting the Question, and taking the Vote—

Motion,	130
Amendment,	130
Debate,	130
Speeches,	130
Call to Order,	130
Reply,	131
Motions after the First,	131

V. GENERAL ASSEMBLY—*continued.*

Two Motions,	131
Three Motions,	131
More than three Motions,	131
Amendments,	131
Other Amendments,	132
Question as to Nature of Amendment,	132
Appointment of Office-Bearers,	132
Proposal in Report of Committee,	132
Notice of Motion,	132
Division,	133
Mode of taking Vote,	133
Dissent,	134
RETURNS TO OVERTURES, DECLARATORY OR INTERIM ACTS, AND OVERTURES—	
Returns to Overtures,	134
Declaratory or Interim Acts and Overtures,	134
APPLICATIONS FOR CONSTITUTIONS FOR NEW CHAPELS—	
Transmission of Constitution, &c., to Agent,	135
Approval by Assembly,	135
Parties who are entitled to be heard,	136
APPLICATIONS FOR CONSTITUTIONS FOR NEW PARISHES—	
Transmissions of Constitutions, &c., to Agent,	136
REPORTS OF COMMITTEES—	
Printing and Distribution of Reports,	136
Preservation of Reports,	137
Manuscript Reports,	137
Verbal Reports,	137
Deliverance of Assembly,	137
Print of Proposed Deliverances and Amendments,	137
Reports not printed,	137
COMMITTEES—	
On Funds and Schemes,	138
Of Business,	138

V. GENERAL ASSEMBLY—*continued*.

Special Committees,	138
Temporary and Occasional Committees,	138
Special or Temporary Committee,	138

MISCELLANEOUS BUSINESS—

Giving in Dissents,	138
Letters addressed to the Moderator,	138
Deputies from other Churches,	138
Print of daily Proceedings,	139
Synod Books,	139
Approval of Minutes,	139
Standing Orders,	139

CLOSING OF THE ASSEMBLY,	140
------------------------------------	-----

HISTORICAL SUMMARY—

Election of Commissioners to General Assembly—

Time of Election by Presbyteries,	140
Representation of Presbyteries,	141
Representation of Burghs and Universities,	143

VI. ADMISSION OF MINISTERS AND LICENTIATES OF

OTHER CHURCHES,	148
---------------------------	-----

HISTORICAL SUMMARY,	150
-------------------------------	-----

VII. COMMISSION OF THE GENERAL ASSEMBLY—

Appointment,	152
Meetings,	152
Quorum,	152
Business,	153

APPENDIX—

STANDING ORDERS FOR REGULATING THE BUSINESS
OF THE GENERAL ASSEMBLY, ADOPTED IN 1884—

Commissions of Ministers and Elders,	155
Constituting Assembly, Appointment of Committees, &c.,	157
Regulations as to Printing,	162
Order of Pleading in Causes,	165

APPENDIX—*continued*.

Order of Debate in the House, Putting Question and Taking Vote,	168
Returns to Overtures, &c.,	173
Applications for Constitutions for—	
New Chapels,	174
New Parishes,	176
Reports of Committees,	176
Committees,	178
Miscellaneous Business,	179
Closing of the Assembly,	181
Fees payable on Lodging Papers,	181

ADDITIONAL REGULATIONS FOR KIRK-SESSIONS AND
PRESBYTERIES:—

I. KIRK-SESSIONS—

On the correct keeping of Minutes,	182
Proceedings in a case of Scandal,	183
Regulations regarding Witnesses,	183
Settlement of doubtful cases,	183
Procedure in case of Appeal,	184
Procedure in grave cases of Censure,	184
Treatment of Fugitives from Discipline,	185
Institution of proceedings by Petition,	185

II. PRESBYTERIES—

Calling of <i>pro re nata</i> and extraordinary Meetings,	185
Holding of Presbyterial Visitations,	186

THE CONSTITUTION AND LAW OF THE CHURCH OF SCOTLAND.

I.—ESTABLISHMENT AND GENERAL CONSTITUTION OF THE CHURCH OF SCOTLAND.

THE Church had, in its earlier years, to maintain a severe struggle with Prelacy. Its judicatories were suppressed, and its privileges usurped, but prelacy was ultimately abolished. By the Statute 1592, c. 114, the Church of Scotland was formally established: the Protestant religion and Presbyterian Church government were, at the same time, secured; and all Acts, liberties, and privileges which had been previously passed or granted to the "trew and hailie Kirk" were ratified and approved of. The several judicatories of the Church, as they had previously existed, were thereby recognised and ratified, and their jurisdictions and duties defined. Among other things, the statute contains a declaration that it should be lawful to "the Kirk and ministers," every year at the least, and

A

2 ESTABLISHMENT AND GENERAL CONSTITUTION

oftener, *pro re nata*, as occasion should require, to hold General Assemblies, provided that the King, or his Commissioner, was present at each Assembly, before the dissolving thereof, to appoint the time and place, when and where, the next General Assembly should be held. In case it might happen, however, that neither of them was present to discharge that duty, it was declared to be lawful to the General Assemblies, by themselves, to appoint the time and place of the next Assembly, as they had been in use to do in times by-past. The power thus expressly ascribed to the Assembly was exercised, at least once, in the year 1692—not, however, directly, because of the absence of the Commissioner, but because of his refusal to fix the time of next meeting. When reminded by the Moderator of the necessity of doing so, he replied that “His Majesty will appoint another General Assembly in due time, wherewith you will be timeously advertised.” On receiving that reply, the House asserted its rights, and the Moderator, with consent of the Assembly, at once named the day of meeting in the following year.

In pursuance of the rights secured by the Statute above-mentioned, the General Assembly, in 1638, formally restored kirk-sessions, and provincial and national Assemblies, to their full integrity, in members, privileges, powers, and jurisdictions.

After the Revolution of 1688 the Church of Scotland—as recognised by the great Statute of 1592, which has been called the “Charter” of the Church—was re-established by Statute 1690, c. 5, the Confes-

sion of Faith was ratified, and Presbyterian Church government, or the government of the Church by kirk-sessions, Presbyteries, provincial Synods, and General Assemblies, was again approved of and confirmed; while by the Statute 1707, c. 6, it was declared that the religion and mode of Church government which had been established should continue, and remain unalterable in Scotland.

Such being the manner in which the Protestant religion and form of Church government were established in this country, the constitution and functions of the different judicatories of the Church, as existing at the present day, may now be considered.

II.—KIRK-SESSION.

1.—ITS CONSTITUTION AND DUTIES.

Composition of Session.

A KIRK-SESSION is composed of the minister and elders of the parish. It is the governing body of the parish in ecclesiastical affairs. It has its moderator—its clerk, who holds his appointment during pleasure, unless otherwise specially stated—and its officer to carry out its orders.

Character and Qualifications of Elders.

1863, Act 16, s. 3.—No person shall be chosen or nominated for the eldership unless he is a man of good life and godly conversation, tender and circumspect in his walk, punctual in attending on ordinances, strict in his observation of the Lord's day, and in regularly keeping up the worship of God in his family,—one who will be careful of the flock, and an example to them in sobriety, meekness, and holiness, abstaining from all appearance of evil.

No person shall be chosen or nominated for the

office unless he has attained the age of twenty-one years complete, and is a member in full communion with the congregation in which it is proposed that he shall hold office.

No person shall be chosen or nominated for the eldership who is not an inhabitant of the parish, or who does not reside therein at least six weeks annually, or who is not a heritor in the parish, liable to pay stipend and other parochial burdens, or who is not the apparent heir of a heritor of that description in the parish, or (1866, Act 12) who is not a member of the congregation, and a communicant of at least twelve months' standing ; provided always, if he resides in another parish, that the consent of the kirk-session of that parish shall have first been obtained.

1863, Act 16, s. 6.—When a person who does not generally reside in the parish, but only occasionally, shall be proposed to the kirk-session to be ordained an elder, there shall be produced a certificate, under the hands of the minister and kirk-session of the parish in which he generally resides, that he is of unblemished character and qualified in all respects as above specified.

Parishes without Elders.

1863, Act 16, s. 1.—When a parish is without a kirk-session, it is the duty of the Presbytery of the bounds to use their best endeavours to have the parish suitably supplied with elders.

Provision for securing a sufficient Number of Elders for such Parishes.

1876, Act 14.—At a meeting to be annually held for revising session records, every Presbytery shall make special inquiry as to the state of the kirk-sessions within its bounds; and in the event of a Presbytery finding any of the parishes without a legally-constituted kirk-session, such Presbytery shall, either at that meeting, or as soon thereafter as possible, name a sufficient number of its members to supplement or constitute the same, until a regular kirk-session shall be appointed; and the members so named by the Presbytery, together with any elder who may still belong to the parish, shall act as the kirk-session thereof—it being understood that the Presbytery in each such case shall do whatever lies in its power to have the eldership in each parish completed by the introduction of a sufficient number of laymen, and shall report their proceedings thereanent to the Synod when arrangements connected with the subject have, under the terms of the Act, taken place.

Election of New Elders.

1863, Act 16, s. 2.—The election is ordinarily in the hands of the parish minister and existing members of the kirk-session, who, having resolved, and recorded the resolution to add to their number, shall proceed to look out for such men as they deem best

qualified for the office of the eldership, and shall deal with them, in private, to accept of the office.

Town held as one Parish.

Any city or town where there are more congregations than one, shall be held as one parish, in so far as the Act (1863, 16) is concerned.

Edict to be Served.

When the kirk-session have selected such person or persons as they consider best qualified for the office of the eldership, and obtained their consent to accept of office, they shall fix a day for the ordination; and on a Lord's day, at least ten free days before the day so fixed, the minister shall intimate from the pulpit, at the close of divine service, and before pronouncing the blessing, the names of the persons selected for the office, the day appointed for their ordination, and the time at which a meeting of session will be held to receive objections, if any, against their proposed ordination. This is done by reading an edict, in the form of Schedule A annexed to the Act.

Ordination of Elders.

On the day appointed for receiving objections, the session shall meet for that purpose, and if no objection is offered, or if the session find the objections offered to be frivolous, or unsupported by evidence,

they shall resolve to proceed with the ordination, and on the day fixed for that purpose the minister shall, after sermon and before the close of divine service, narrate the different steps which have been taken towards the ordination of the new elders, and having put to them the questions implied in the formula prescribed by Act 11, Assembly 1694, and Act 11, Assembly 1700, in the form subjoined to the Act (B), and obtained satisfactory answers thereto, he shall proceed to set them apart to the office of the eldership by prayer, accompanied with an exhortation to them, and an address to the people.

Reception into the Session.

The newly ordained elders shall receive the right hand of fellowship, and their names shall be entered on the roll of session.

Confession of Faith and Formula to be Subscribed.

Every elder at his ordination, and whenever he may be judicially called on to do so, shall subscribe the Confession of Faith of the National Church as the confession of his faith, according to Act 7 of Assembly 1690, and the formula prescribed in Act 11, Assembly 1694.

Admission of an Elder from another Parish.

When an elder removes from one parish to another, he may be admitted as a member of the kirk-session of

the parish to which he has gone. In that case the edict will bear that, having been ordained an elder, he will be admitted into the session, unless some valid objections be stated against him at a meeting of session, to be held on a day and at an hour to be specified. The procedure to be afterwards adopted is substantially the same as in the case of additional elders being elected—care being taken to use the word *admitted*, instead of *ordained*, he having been ordained previously.

Meetings of Session.

Meetings of a kirk-session may be convened by intimation from the pulpit, or by circular subscribed by the session-clerk, acting on the authority of the minister, addressed to the several members, and timeously posted or delivered. It is customary in country districts, where members frequently reside at considerable distances from the church, to hold meetings of session at the conclusion of divine service, for the purpose of dealing with cases of discipline, or business which may require immediate attention; but in towns, such meetings are generally held on one of the other days of the week, and at an hour in the evening when persons are in a position to attend without inconvenience.

Moderator.

The minister of a parish is *ex officio* moderator of the kirk-session. As such, he has not a deliberative

vote, but only a casting vote in cases of equality. In collegiate charges the incumbents, by arrangement between themselves, preside alternately for a stated period. The incumbent who does not preside, is, for the time, a constituent member of session. In the case of a vacancy, the ordained minister who is appointed to officiate for the day is entitled, by usage, to act as moderator, and to perform all the duties which devolve on the minister of a parish. In order to give validity to the proceedings, all meetings of session must be constituted and closed by prayer by the moderator; and that fact ought to be specially recorded in the minutes, otherwise the presumption is that the meetings were irregular, and the proceedings invalid. An assistant and successor is not a constituent member of session; but, in the absence of the senior minister, it devolves on him to preside, and act as moderator in his room.

Quorum.

The minister and two elders form a quorum of the kirk-session. When there are not two elders in a parish, to admit of a meeting of session being held, it is the duty of the minister to bring the fact under the notice of the Presbytery of the bounds, which will appoint certain members of presbytery to act as assessors.

Ordinary Business.

The principal duties which devolve on a kirk-session are: to fix the time at and (within the constitu-

tion of the Church) the mode in which the ordinances of religion shall be dispensed; to judge of the fitness of persons who desire to partake of such ordinances; to furnish certificates to such members as intend to leave the parish; to deal with such as have been guilty of offences, and to subject them to discipline; and generally to superintend and promote the religious interests of the parishioners.

Communion Roll.

1876, Act 10, s. 1.—It is provided that a communion roll shall be made up, and kept by the kirk-session of every parish, containing the names and addresses of the communicants, the occasions on which they communicated, and the removals by death, certificate of transference, or discipline. The roll must be revised and corrected by the session, at least once annually.

Previous to the annual revision of the roll, notice shall be given, by intimation from the pulpit, that the names of those communicants who have been absent from the communion for three consecutive years will be removed from the roll, unless a satisfactory reason is assigned, or is already known to the session.

The kirk-session shall take care, in revising the roll, that nothing of the nature of discipline be resorted to without due citation and process, according to the laws and practice of the Church.

In the preparation of the roll, the kirk-session shall include not only the communicants resident within the parish, but also those beyond the parochial bound-

ary who stately worship and communicate in the parish, either by express permission, or without objection stated by the kirk-session of the parish of their residence.

The roll, so made up, corrected, revised, and certified by the moderator or clerk of the session, or a certified copy of the same, shall be submitted annually to the Presbytery of the bounds for approval and attestation.

In towns where there are more than one charge in a parish, there shall be a separate communion-roll kept for each charge. Presbyteries are enjoined to see that the rolls are so submitted, and to report to the Synod with reference to any kirk-session which may have neglected to make up a roll.

By means of the provisions of this Act, the number of members in a particular parish, or belonging to the Church as a whole, may be readily and accurately ascertained.

Proclamation, Marriage, Baptism.

Instructions to Presbyteries regarding the Keeping of Registers of Baptism, and of Proclamations of Banns for Marriages, 1856, Act 7.—These instructions proceed on the narrative, that it is essential for discipline and the rights of Church membership that registers of baptisms and proclamations of banns for marriage shall continue to be kept as heretofore; and all Presbyteries are accordingly directed to see that, in

every parish within their bounds, such registers are kept, and annually examined, of the proclamation of banns for marriage, and also of the names of all persons baptised, with the names and designations of their parents, the time when the ordinance of baptism was administered, and the names and designations of two witnesses who were present at the administration of said ordinance.

Proclamation of Banns.—1880, Act 8.—This Act of Assembly proceeds on the narrative of certain changes having been made in the civil law of the country, calculated to affect the practice of proclamation of banns of marriage, so long enjoyed by the Church, and deeming it of importance that said practice should be facilitated in time to come, rescinds all previous Regulations of Assembly, and in particular those contained in the Acts of 1699, 1782, and 1784, in so far as inconsistent with the Act (1880), and enacts in substance as follows :—

Residence in a parish for fifteen clear days immediately preceding, shall entitle persons purposing to marry, and to whose proposed marriage there is no impediment recognised by the laws of the Church, to have the banns of marriage proclaimed in the parish church. Without such conditions no proclamation of banns shall be allowed; subject, however, to such exceptions as may be allowed in the case of soldiers and sailors, or where one of the parties is resident furth of Scotland. In order to due proclamation of banns between persons residing in different parishes,

proclamation shall be made in the churches of both parishes.

Applicants for proclamation of banns shall lodge their applications with the session-clerk of the parish of their residence, who shall, with the leave of the minister, enter the names of the persons to be proclaimed, along with the particulars required by the Act of Assembly, 1784, in a book to be kept by him for the purpose. That book shall be open to public inspection, and shall be laid before the kirk-session from time to time, and also submitted once a-year for examination and attestation to the Presbytery of the bounds, who shall see that the law of the Church on the subject is duly observed.

Proclamation of banns shall, in ordinary cases, be on two separate Sabbaths, and whenever it can be conveniently done, shall be made from the pulpit or reading-desk by the minister, or his officiating substitute, acting on his authority, at some time before the close of the service, at the first diet of public worship. When this cannot be done, however, the proclamation shall be made in such manner as may be agreed on by the minister and kirk-session, but always in presence of the congregation.

When, through unavoidable circumstances, there is no service in the church on any Sabbath, a proclamation by the session-clerk, at the church-door, in presence of at least two witnesses, together with a written proclamation, signed by the session-clerk, posted on the door of the parish church prior to, or on the Sabbath or Sabbaths on which it is desired the proclama-

tion should be made, shall be equivalent to proclamation from the pulpit or reading-desk in presence of the congregation.

It shall be in the power of the minister, but in no case obligatory on him, to complete the proclamation of banns in a single Sabbath, in the case of persons who are well known to him, or in regard to whom he has reason to be satisfied, on the information of others, that there is no impediment recognised by the laws of the Church to the proposed marriage. In that case, the certificate shall not be granted till forty-eight hours after proclamation has taken place; and it shall have the same effect as if proclamation had been made on two separate Sabbaths.

Marriage.—While it is the duty of the ministers of the church to celebrate marriages in their respective parishes, on production of a session-clerk's certificate, or session-clerks' certificates, of the proclamation of banns having been made in proper form, within three months immediately preceding, they shall not be bound, but shall at the same time be at liberty, if they see fit, to receive as a valid notice of marriage a registrar's certificate, granted under the Act of Parliament, entitled "Marriage Notice (Scotland) Act, 1878."

Baptism.—It is provided, by the 34th section of the Act 17 & 18 Vict. c. 80, that there must be produced to the minister, or other person officiating in the baptism of any child, a certificate of the registration of the birth of the child. Failing the production of such certificate, it is incumbent on the person so officiating, forthwith to intimate the baptism, and such informa-

tion as he may possess regarding the birth and parentage of the child, to the registrar of the parish in which the parents reside.

Session Records.

The records or minutes of the proceedings of kirk-sessions are, by Act of Assembly dated 29th August 1639, appointed to be presented to the Presbytery once a-year, for the purpose of examination. This regulation is confirmed by the Act 14, Assembly 1874, anent Visitation of Records.

Representation of Kirk-Sessions in Presbyteries and Synods.

1880, Act 10.—Kirk-sessions shall from year to year elect elders to represent them in Presbyteries and Synods, the election to take place within one month after the rising of the General Assembly; and due notice of the date and place of election shall be given from the pulpit on the Sabbath immediately preceding the same, and such appointment shall continue till the rising of the next General Assembly.

In the event of a vacancy arising after an election has taken place, the kirk-session shall, within one month after the date of the vacancy, elect another elder to represent it, and such representation shall be subject to the same conditions as in the case of the original election.

In the case of no representative elder having been elected within either of the periods above specified, it

shall be competent to a kirk-session to make an election at any other time of the year, provided that a resolution to elect shall have been entered in the records of session, not less than fifteen days previous to the day of election; and such election shall be subject to the same conditions as elections made under the two foregoing sections.

A certified extract minute of election, or a certified commission containing the substance of such minute, is necessary to entitle a representative elder elected under the Act to have his name put on the roll of either the Presbytery or Synod; and it shall be competent to sustain such commission at any meeting of Presbytery, ordinary or *pro re nata*, which may take place after the election.

2.—JUDICIAL PROCEDURE.

Offences.—The exercise by a kirk-session of its judicial functions at the present day is almost exclusively confined to ordinary cases of discipline, involving censure, or suspension for a time from church privileges, by way of punishment.

Instance.—Judicial proceedings are generally adopted by a kirk-session at its own instance, in virtue of the ecclesiastical jurisdiction which it is presumed to possess over the whole parishioners, but which in practice is restricted to those connected with the church. At the same time, complaints may be competently preferred and prosecuted before the session at the instance of private parties.

Process.—A formal libel is not necessary, in any case, before a kirk-session. When a scandal prevails in a parish against a member of the congregation, the first duty of the session is to arrange that the minister, or one of the elders, should wait on the party, and, by dealing tenderly with him in private—not assuming guilt at this stage, as is sometimes improperly done—to ascertain whether, of himself, he is disposed to acknowledge or deny the truth of the scandal. If he confesses his guilt, he will then be cited to appear before the session, when the moderator will endeavour, by kindly admonition, not only to impress him with a due sense of the offence, but of his duty in the circumstances, and will, at the same time, administer such censure as the case may seem to demand. The woman, his partner in guilt, who cannot, in general, do otherwise than tender a similar confession, is dealt with by the session in the same manner, and usually at the same diet.

When a party denies the truth of a scandal, and a kirk-session has, on the other hand, reasonable grounds to believe that it is well founded, or that the case is one which requires to be investigated, a resolution to that effect is come to, and recorded in the minutes. A short writ is then issued for the purpose of bringing the party into court. It runs in name of the moderator and remanent members of session, is signed by the clerk under its authority, is addressed to the church officer, contains the name and designation of the party accused, a specification of the offence with which he is charged, and a warrant to cite him

to appear before the session at a specified time. If the party resides within the parish, he is cited on an *induciæ* of forty-eight hours; but when his residence is beyond it, an *induciæ* of seven days seems to be required. A written citation is sometimes dispensed with, and a party is merely asked verbally to appear before a session; but that is a loose and informal mode of procedure, which ought generally to be avoided.

When proceedings are instituted by a session on the complaint and information of a private party, the writ may be easily adapted to the change of circumstance. The difference in its terms in such a case consists chiefly in the introduction of the name of the person by whom the complaint is made.

When a person accused resides in a different parish from that in the session of which proceedings are to be taken, the session of that parish must grant its concurrence, by an indorsation on the writ, in order to a valid citation being given.

The proceedings in a case of scandal fall to be taken by, or instituted before, the kirk-session of the parish in which the woman resides.

Should a party fail to appear before a kirk-session after being duly cited, he falls to be cited a second, and also a third time, with certification that if he fails to obey the third citation, the session will proceed to hear and determine the case, or hold him guilty of contumacy. Citations *apud acta* are, like third citations, of a peremptory character.

Witnesses.—When a party is cited to appear before a kirk-session, a list of the witnesses who are to be

adduced for the purpose of establishing the offence with which he is charged should at the same time be delivered to him. On the other hand, it is the duty of that party, when he appears in court, to furnish the session, or the person at whose instance the proceedings have been instituted, with the names of such witnesses as he may intend to examine in proof of his defence.

Witnesses for either party are cited by the church officer, in virtue of a precept issued in name of the kirk-session, and on an induciæ of forty-eight hours. This is done by a written or printed citation being delivered to the witness, or left at his dwelling-place when he cannot be found personally. The practice which prevails in some parishes of citing witnesses verbally ought not to be adopted if there is a risk of it being ineffectual.

When a witness fails to appear, and the execution returned by the officer shows that he has been duly cited, an application may competently be made to the sheriff for a warrant to compel his attendance.

Witnesses are examined on oath—their depositions are taken down in writing by the clerk of session, as dictated by the moderator; and at the conclusion of each deposition it is read over to the witness, and such corrections made as he may desire. Each page thereof, as well as any marginal notes, must be subscribed by the witness and the moderator. When a witness cannot write, the fact must be stated at the end of the deposition. The number of words (if any) which have been deleted must also be stated.

Judgment.—A kirk-session is generally able, on the evidence, and without much difficulty, to determine a case for or against the party accused. If he is found to be guilty, the judgment is usually one of censure or suspension. When a doubt exists as to the effect of the evidence, the accused party receives the benefit of the doubt.

Dissents.—A member of a kirk-session may dissent simply from a judgment in which he does not concur, and is entitled to have his dissent recorded in the minutes. That step, however, does not enable him to proceed further. It is evidence of the manner in which he acted, but nothing more.

Dissents and Complaints.—When, however, a member is dissatisfied with a judgment, and intends to bring it under the review of the Presbytery of the bounds, he must, when the judgment is pronounced, not merely dissent, but dissent and protest for leave to complain, take instruments in the clerk's hands, and crave extracts. Within ten days thereafter, he must lodge with the clerk of session reasons of dissent and complaint, and request that these, with an authenticated extract of the judgment complained of, may be transmitted to the clerk of the Presbytery.

Protests and Appeals.—A party having interest may also bring a judgment under the review of the Presbytery; but, in that case, the mode is by protest and appeal. In all other respects, the procedure is the same as in the case of a dissent and complaint.

*HISTORICAL SUMMARY.**Elders as Members of Session.*

Qualifications.—The first reference to the subject is contained in a recommendation by the Assembly of this date (April 16, 1694), to the effect that none should be ruling elders except such as observe the duty of family worship. This recommendation was renewed and confirmed by an Act of Assembly which was passed of this other date (January 7, 1697). A fuller specification of the qualifications which elders (and deacons) should possess is contained in the subsequent Act of this date (May 22, 1722), where it is required that they be circumspect, punctual in their attendance on ordinances, strict in their observation of the Lord's Day, and in regularly keeping up the worship of God in their families. No further regulation of importance was made till this date (May 27, 1816), when it was declared that no one should be set apart to the office unless he is a communicant, and an inhabitant of the parish, or resides therein at least six weeks annually, or who is not a heritor in the parish, or who is not the apparent heir of a heritor. When the residence of a person proposed to be set apart to the office was only occasional in the parish, it was incumbent on him to produce a certificate, under the hands of the minister and kirk-session of the parish in which he generally resided, that he was of unblemished character, and regular in his attendance on the public ordinances of religion.

Age.—No special provision was made as to the age at which men should be admitted to the office till the Act of this date (May 28, 1776), when it was declared that no one should be ordained as an elder until he was twenty-one years of age. This declaration was repeated in the Act of this date (May 27, 1816), already referred to, accompanied with the condition that the age must be instructed by a certificate.

Disqualification.—It was provided by Act of this date (May 27, 1816), that any person who might be ordained to the office without the requisite qualifications should not be entitled to any of the privileges of the office.

Election.—By Act of date (August 1, 1642), it was enacted that the old session should elect the new session in burgh and land; and in the event of a vacancy occurring in the session, by death or demission, the session then existing should have the election of the person to fill the vacancy.

Discipline.—Kirk-sessions in early times appear to have relied to a large extent on publicity as a means of bringing the guilty to entertain a due sense of their position, and to acknowledge their guilt. When, for example, a person who was under a process of scandal absconded, he was first cited at his former residence to appear before the session, then from the pulpit of the parish, and afterwards—by authority of the Presbytery—from the pulpits of all the churches within the bounds. If he failed to appear after being so widely and loudly called for, he was finally proclaimed from all these pulpits to be a fugitive from Church discipline.

Elders to Presbyteries, Synods, and General Assembly.—The general qualifications which elders were required to possess were, as already mentioned, specified for the first time somewhat in detail in the Act of Assembly of this date (May 22, 1722).

By another Act of this date (May 26, 1724), it was provided that all commissions to ruling elders, as members of Assembly, should bear this additional clause, "And in particular, that the said elders are qualified in all respects, according to what is required by the 9th Act of the General Assembly, held anno 1722."

Of this date (May 18, 1727), an Act was passed enjoining a stricter regard to be had to the requirements of the 9th Act of Assembly 1722.

In a subsequent Act of this date (May 24, 1737), all Presbyteries were enjoined to be careful that all persons to be chosen elders of the Church be qualified according to the Acts of Assembly, and particularly, that they attest none as members of the Assembly but such as are qualified, not only by subscribing the formula prescribed, but likewise according to all the other qualifications required of such by former Acts of Assembly.

Act May 28, 1880, rescinds previous Acts as to the election of elder to represent the session in the Presbytery and Synod, and appoints that representative elders shall be elected within one month after the rising of the General Assembly—due notice from the pulpit being given of the date and place of election on the Sabbath immediately preceding the ap-

pointment, to continue till the rising of next General Assembly. In case of death or demission, a new election should be made within one month of the same; and that every elder so elected should produce an extract of his election, under the hand of the session-clerk, before being received on the roll of either Presbytery or Synod.

Act May 27, 1839, provides that no ruling elder should be deemed qualified to be an elder, or to act as a commissioner to any Presbytery, Synod, or General Assembly of the Church, who was not *bona fide* an acting elder in the congregation in which he held office; that in all commissions in favour of ruling elders as commissioners to Presbyteries and Synods, it should be certified by the kirk-session that the commissioner was *bona fide* an acting elder of their congregation,—and that along with every commission in favour of a ruling elder as commissioner to the General Assembly, there be produced a certificate to the said effect by the kirk-session of which he was a member, and that otherwise the commission be rejected. It was at the same time declared that the Act should not extend to the case of teaching elders, or theological professors, inasmuch as their peculiar function consisted not in ruling in a particular congregation, but in teaching.

By Act of this date (May 23, 1842), it was ordained that when a kirk-session had resolved on an addition to the number of elders, the minister should publicly intimate from the pulpit the resolution which had been come to, and the number to be added, and should certify

the male communicants that on the third Sunday thereafter they should give in lists of such members of the congregation, being communicants of full age, as they would choose for the office, the number of names in each list being as near as possible one half more than the number proposed, the session being at liberty to suggest the names of such persons as they might deem fit, for the consideration of the communicants. The intimation was appointed to be repeated on the two following Sundays.

The lists were directed to be signed by the persons tendering them, and to be sealed and delivered to an elder on the day fixed for lodging the same.

The session was appointed to meet in the church with open doors, on the Monday following the third Sunday, to open the sealed lists, to read aloud the names on each list, and count up the votes, and to ascertain the persons who had been chosen to the office.

This Act, however, was rescinded by the Assembly in 1846.

Communion Rolls.

The first notice in the records of the Assembly in relation to the communion occurs of this date (August 29, 1639), when a uniform catechism was appointed to be used throughout the whole kingdom in the examinations before the communion. At that date no mention is made, or injunction given, as to communion-rolls being kept, and the subsequent Act, which was passed of this date (February 7, 1645), merely provided that none coming from another parish should

be admitted to the communion without a testimonial from their own minister, which he was to furnish when required to such of his parishioners as communicated ordinarily at their own parish church, and were without scandal in their lives. At the same time, it was declared that that provision was not to prejudice any honest person who was occasionally in the place where the communion was celebrated, or such as, by the death or absence of the minister, could not obtain a testimonial. The observance of this Act was strictly enjoined by another, which was passed of this date (May 18, 1727), upwards of eighty years afterwards.

Though no mention is made in the proceedings of the Assembly until a comparatively recent date of communion-rolls having been kept, it may be presumed that at an early period in the history of the Church they must, to some extent, have existed for the use and guidance of ministers and kirk-sessions, though, perhaps, neither very regularly nor accurately kept. Indeed, it was not until this date (June 1, 1863) that anything like a uniform and consistent practice began to prevail of keeping an accurate record in each parish of the names and designations of those in communion with the Church, and of the occasions on which they communicated. So far as can be ascertained from the recorded Acts of the Assembly, it was not until the last-mentioned date that, by an Interim Act, precise rules as to the mode in which the rolls were to be kept were prescribed. Kirk-sessions were then directed to hold a meeting—once a-year at least—for the purpose of making up a roll of the communicants,

containing their names, residences, and the occasions on which they had communicated; and to allow such roll to lie in the hands of the session-clerk for inspection for at least a fortnight. At the expiry of that period the roll was to be laid before the kirk-session, authenticated by the signatures of the moderator and clerk, and afterwards submitted to the Presbytery of the bounds for approval and attestation; and the names of persons who had not communicated for three years were to be removed from the roll by the kirk-session, unless a satisfactory reason for absence was assigned, reserving to communicants the right to appeal to the Presbytery.

An overture, in similar terms, was transmitted to Presbyteries for consideration in the following year (May 28, 1864), and was at the same time converted into an Interim Act.

Subsequently, of this date (June 4, 1866), an overture, in nearly the same terms, was transmitted to Presbyteries for consideration, and converted into an Interim Act. It differed, however, from the previous overture in two respects—(1) instead of the communion-roll being made up at a meeting of the session, to be held at least once a-year, it was then declared that the roll should be adjusted and corrected at each occasion on which the Lord's Supper was dispensed in the parish; and (2) that the roll, or a certified copy thereof, as attested by the Presbytery, should be held as conclusive evidence of Church membership in all questions before the Courts of the Church.

The outcome of these overtures was, that the Assem-

bly, of this date (June 1, 1868) passed an Act, merely ordaining a communion-roll to be made up and kept by the kirk-session of every congregation within the bounds of the Church, containing the names and designations of all communicants in the same, with the dates when they had communicated; that the roll should be carefully adjusted and attested by the session, at least once a-year, and that such attestation should be annually reported to the Presbytery.

The law stood in this position until the Act of 1876 (see page 11) was passed, which at present regulates the procedure regarding communion-rolls.

Proclamation, Marriage, Baptism.

Proclamation.—In an Act of this date (October 28, 1690), the Assembly recommended Presbyteries to take notice of all ministers within their bounds who, among other things therein mentioned, celebrated clandestine marriages without the proclamation of banns, and directed that such ministers should be censured accordingly.

Subsequently, of this date (May 16, 1711), the Assembly appointed that the Acts concerning proclamation of banns be duly observed, and that inquiry be made that the persons desiring marriage be not within the forbidden degrees, and be single and free persons, and that all concerned do consent.

Of this date (May 29, 1784), the Assembly passed a resolution that no session-clerk should proclaim any person in order to marriage until he gave intimation

to the minister of the parish in writing, dated and subscribed by him, of the names, designations, and places of residence of the persons to be proclaimed, and obtained his leave to make such proclamation, with certification that, if any certificate of proclamation of banns was given without observing said order, the certificate should be held as a false certificate, and the session-clerk who subscribed the same should be censured accordingly ; and in case of a vacancy, the intimation was to be made to one of the elders of the parish. This useful regulation is now seldom observed.

Marriage. — The Assembly enacted, of this date (October 29, 1690), that the celebration of marriage without the proclamation of banns, according to order, three several Sabbaths in the respective parishes, be discharged, and that it be recommended to Presbyteries to censure the contravener.

Parochial Registers of Births, Marriages, and Deaths. — Matters were placed on a satisfactory footing of this date (May 27, 1816), when the Assembly, on the narrative that great inconvenience and loss had been experienced in many parts of the country, either from no parochial registers being kept, or from the inaccuracy with which they were kept, enjoined the several Presbyteries of the Church to take the steps necessary to secure the keeping of three separate registers in every parish ; in one of which the names of all children, and of their parents, were appointed to be recorded, with the dates of their birth, and whether their parents belonged to the Church or were Dissenters ; in another, the names of all persons married, with

the dates of their marriages, whether legally solemnised or not, with the specialties of any particular cases which might occur ; and in the third, the names of all persons who had died, with the particular dates of their deaths, whether they had been buried in the parish burying-ground or elsewhere ; and that these three registers should be brought up to the Presbytery of the bounds at the first meeting after the conclusion of each year respectively, in each of which the Presbytery were to enter their remarks on the manner in which it had been kept, to be signed by the moderator for the time.

The institution of these registers by the Church proved of great value in various ways ; but they were superseded, and the system of registration rendered more complete, by an Act of the Legislature which was passed in 1854.

III.—PRESBYTERY.

1.—*ITS CONSTITUTION AND DUTIES.*

COMPOSITION OF A PRESBYTERY.

A PRESBYTERY is composed of the ministers of a certain number of contiguous parishes ; of the professors of divinity, being ministers, in any university within the bounds ; and of a representative elder from the kirk-session of each parish within the Presbytery.

MEETINGS.

The Presbyteries of the Church, which at present are eighty-four in number, meet, in general, once a-month, for the transaction of ordinary business. In outlying districts, such as Orkney and Shetland, the meetings are at more distant intervals.

MODERATOR.

The Moderator must be one of the ministers, and the appointment is made by the Presbytery, in general at the first meeting after the meeting of the provincial

Synod. The selection is usually regulated by the order of dates of ordination, so that the several ministerial members occupy the chair in succession. When the Moderator for the time happens to be absent, his place is taken by his predecessor in office, and, failing him, by the oldest minister.

ORDINARY BUSINESS.

The business of a Presbytery is of a twofold nature—ecclesiastical and civil. Under the first are included the examinations of students in divinity, and, after they have completed their course of study, the granting of licence to them as preachers of the Gospel; the trial of the qualifications of presentees to parishes, and their ordination and induction; the exercise of a general supervision of the manner in which the duties of the ministry within the bounds are discharged; the investigation and determination of complaints and reports affecting the character and ministerial usefulness of any of its members, and the consideration and disposal of dissents and complaints, protests and appeals, and references by kirk-sessions. In its civil capacity, a Presbytery has right, in the first instance, to deal with questions relating to the erection and repair of churches and manses, and the designation of glebes; to receive petitions for the erection of chapels-of-ease, to inquire into the circumstances, and to report to the General Assembly.

One of the most important duties which a Presbytery has to discharge is that which relates to the

examination, training, and conduct of students in divinity, in order that the future ministry of the Church may be distinguished by piety, learning, and usefulness. The existing regulations under this head may accordingly be appropriately considered in the first instance.

STUDENTS IN DIVINITY.

Examining Committees.

Presbyterial.—1883, Act 7, c. 1, s. 6.—If Presbyteries see cause, an examining committee (or committees) is appointed annually in each Presbytery on the day when members of Assembly are elected—the examining committee (or committees) being open to all the members of Presbytery.

The committee (or committees) shall meet for examination of students on a different day from that on which the Presbytery meets; or if circumstances render that inexpedient, the committee (or committees) shall meet not less than two hours before the Presbytery meets, in order that the examination may not be hurriedly conducted.

A minute of the proceedings of the committee (or committees) shall be kept, in which every particular respecting the examination shall be entered—such as the subjects of examination, the length of time occupied, and the relative number of questions answered correctly, and otherwise.

The minute so kept shall be given in to the Pres-

bytery, along with a written report by the committee on the whole examination.

When Presbyteries examine students *coram*, they shall also keep a separate minute of their examination. When their examination is posterior to that of the committee, it shall be chiefly on the subjects which formed the ground of examination by the committee. Students must also be prepared, when examined by the Presbytery *coram*, to be examined on the catechetical standards of the Church.

Written questions shall be given to the students, and written answers required from them in some part of each examination, whether by Presbyteries or by their committees. Committees shall give in to the Presbyteries both the questions and the answers, along with their minute and their report.

The report and accompanying documents shall not be recorded, but shall be kept *in retentis*, at the pleasure of the Presbytery.

As soon as possible after the appointment of an examining committee or committees, a list of topics for examination, and of books on which examinations shall be based, shall be annually drawn up by the different Presbyteries or their examining committees, who shall make known to the students who are about to come before them, what topics and books or portions of books are to be the subjects of examination for the year.

These regulations shall apply, as far as possible, to all examinations of students.

Synodical.—1883, Act 7, c. 1, s. 2, sub-sec. 1.—

Four Examining Committees are constituted—one at each of the university towns in Scotland. Each committee shall be composed of members elected by the adjacent Synods, and the convener of each committee shall be appointed by the General Assembly. Each convener shall name a member of committee to act as vice-convener: and the names and addresses of the conveners and of the members of the four committees shall be published by the conveners in the 'Missionary Record' for July in each year. It shall be the duty of each committee to frame a programme of subjects and books upon which the ensuing examination shall be based, in preparing which, they should keep in view the course of study pursued at the university where they meet; and such programme shall be published in the July number of the 'Missionary Record.'

Sec. 2, sub-sec. 2.—Each committee shall meet for the purpose of examining students on some day, or days, immediately preceding the commencement of the divinity session, to be fixed by the convener, who shall publish in the October number of the 'Missionary Record' the time and place of meeting, with any other necessary information, and shall give fourteen days' notice of such meeting to each member of committee. Three members of committee, together with the convener or vice-convener, shall form a quorum. Two of the examiners shall be present during the whole time the students are engaged in writing their answers to the examination papers; and they shall put into the hands of the students the

several examination papers in succession ; and at the close of the time allowed for each paper, shall receive the same from the students.

Course of Study.

1883, Act 7, c. 1, s. 1.—Students intended for the ministry must, in a university or universities of Scotland, have gone through (1) a full course of Arts and Philosophy, by attending the classes of Latin, Greek, Logic, Mathematics, Moral Philosophy, Natural Philosophy, and English Literature, in such order as is prescribed at the university, and to the extent required for proceeding to the degree of M.A. ; and (2) (sec. 8) give attendance at the Divinity Hall for three full and regular sessions, or two full and regular sessions and three partial sessions. Students are required to give at least two full sessions of regular attendance on each of the classes of Divinity, Church History, Hebrew, and Biblical Criticism. In the case of students whose last session is a regular one, the motion proposing them for trials shall not be considered by the Presbytery until the last session shall have been certified as completed.

Examinations.

Before Enrolment in Divinity Hall.—After a student has completed the prescribed course of study in Arts and Philosophy, he must undergo two examinations with a view to his being enrolled for the first time

as a student of divinity—the first by the Presbytery within whose bounds he usually resides, and the second by one of the four examining committees before mentioned.

By the Presbytery.—1883, Act 7, c. 1, sec. 1.—The first step to be taken by a student is, on or before 15th September of the year in which he means to enter the Divinity Hall for the *first time*, to intimate his intention of so doing to the Clerk of the Presbytery within whose bounds he usually resides, in order to the same being communicated to the first meeting of Presbytery thereafter, at which meeting he must appear for examination. It is the duty of each Presbytery to ascertain, by careful inquiry, the moral and religious character of every student within their bounds who proposes for the first time to enter the Divinity Hall, and they shall require each such student to produce—(1) A certificate from the minister of the parish in which he usually resides, or, during a vacancy in the parish, from the moderator of the kirk-session, founded on sufficient knowledge, that he is in communion with the Church, and that his character and deportment are suitable to his views. (2) A diploma of Master of Arts, or, what are held to be equivalent, certificates from the several professors under whom he has studied, in order to its being ascertained that in some of the universities of Scotland he has gone through a full course of Arts and Philosophy—it being understood that a full course of Arts and Philosophy includes attendance on the classes of Latin, Greek, Logic, Mathematics, Moral Philosophy, Natu-

ral Philosophy, in such order as is prescribed at the university which the student has attended, and to the extent required for the degree of M.A.

The diploma, or certificates of professors, having been considered and sustained, shall be returned to the student. Thereafter the Presbytery shall examine the student on his knowledge of the Holy Scriptures, according to the Authorised Version, and of the catechetical standards of the Church. The examination, which may be conducted either by the Presbytery or by a committee of their number, shall be partly in writing, and must take place not later than the first Wednesday of October. If conducted by a committee, they shall report in writing the results, and shall lay their report and the written papers before the Presbytery, at a meeting to be held on or before the said first Wednesday of October, at which the student shall be summoned to be present. The report and papers shall be kept *in retentis*.

If the Presbytery are satisfied with the character and deportment of the student, and with the results of his examination, and have sustained his certificates, they shall instruct the clerk to furnish him with a certificate to that effect, and at the same time transmit the name and address of the student to the convener of the examining committee before which the student proposes to appear for examination.

Sec. 7.—Students not resident within the bounds of the Church, who have finished a course of Philosophy in any of the universities of Scotland, or who, after completing their undergraduate course at Ox-

ford, or Cambridge, or King's College, London, have taken the degree of B.A., shall, previous to their enrolment as students of divinity for any of the sessions of their attendance at the Hall, be examined by the Presbytery within whose bounds the university at which they propose to study is situated, immediately before the commencement of the session in divinity for which they desire to be enrolled.

Sec. 3.—Except in the case of students not resident within the bounds of the Church, a Presbytery shall not be entitled to examine a student with a view to enrolment as a student of divinity, unless he is known to a member of Presbytery as having had his chief residence within their bounds for the previous six months, or produces a certificate from the Presbytery within whose bounds he has chiefly resided for a like period preceding the date thereof. The certificate of the examining Presbytery shall specify the length of time the student has resided within their bounds during the previous six months.

By Synodical Committee.—Sec. 2, sub-sec. 3.—No student shall be examined until he shall have laid before the committee the following documents—(1) certificate from the Presbytery recommending him, and (2) a diploma of master of arts, or certificates from the several professors under whom he has studied, that he has attended regularly all the classes prescribed by the Church for students who intend to enter the Divinity Hall.

In the case of a student producing evidence that he holds the degree of M.A. in any one of the uni-

versities of Scotland, or that he has passed all the examinations required for taking such degree, but has delayed taking his diploma, with the view of obtaining graduation with honours, or that, after completing his undergraduate course at Oxford, or Cambridge, or King's College, London, he has taken the degree of B.A., it shall be competent for the committee to exempt him from examination in those branches of literature and science, proficiency in which is denoted by such degree.

Sub-sec. 4.—Every student qualified as above, unless exempted in terms of the foregoing regulation, shall be examined by the committee on Greek (including the New Testament in Greek), Latin, Logic, Mathematics, Moral Philosophy, Natural Philosophy, English Literature, and the elements of Hebrew grammar. The examination shall be, chiefly, in writing; but may be also partly oral, as the committee may determine.

Each committee shall keep minutes of its proceedings, and record therein the names of the students examined, of the Presbyteries recommending them, and an indication of the opinion of the committee as to the student's proficiency in the several branches in which he has been examined, according to a scale of value to be fixed by the conveners, and applied by the four committees.

1883, Act 7, c. 1, s. 2, sub-sec. 4.—The examinations being concluded, the convener of each committee shall remit the papers (the time allowed for each being marked thereon) to the clerk of the Presbytery from which the student received a certificate, for the infor-

mation of that body ; and he shall do so whether the papers have been sustained or not. The committee shall furnish each student whose examination has been sustained with a certificate to that effect, signed by the convener or vice-convener, in name and by authority of the committee.

Sub-sec. 5.—Any student who fails to pass the examination may appear before the same committee at its next or any subsequent meeting, and shall then produce a certificate from the Presbytery within whose bounds he resides, that his character and deportment continue to be suitable to his views.

Enrolment in Divinity Hall, and Professors' Certificates.

1883, Act 7, c. 1, s. 2, sub-sec. 4. —A student whose examination has been sustained, must present to the professor of divinity of one or other of the four universities, the certificate received from the Synodical Examining Committee, along with the certificate from the Presbytery recommending him, in order to obtain enrolment as a student of divinity.

Certificates by Professors at the close of the Session.

1883, Act 7, c. 1, s. 4.—The professors in the Faculty of Theology are enjoined to exercise a watchful superintendence over the conduct and principles of all students under their care. At the close of each session every student shall take with him to the

Presbytery, certificates by the professors under whom he has studied, of his good conduct and proficiency.

*Annual Examinations by Presbyteries, and
Re-enrolment.*

1883, Act 7, c. 1, s. 5.—Every student of divinity shall yearly produce to the Presbytery within whose bounds he chiefly resides—(1) the certificates received from the professors at the close of the session; and also (2) from his parish minister (or, during a vacancy in the parish, from the moderator of the kirk-session), a certificate of good moral character, founded on sufficient knowledge, and of his being in communion with the Church, and shall thereafter be examined by the Presbytery. He shall likewise be required, every session of his attendance at the Hall, to produce to the professor of divinity, besides the aforesaid certificate of character and church-membership, a certificate from the Presbytery of his having been examined by them on the progress made by him in his studies, and of the Presbytery's satisfaction with his attainments.

Discourses to be delivered in the Divinity Hall.

1883, Act 7, c. 1, s. 9.—Students being so enrolled during the several sessions of their respective courses, shall deliver in the Divinity Hall—1, an exegesis, in Latin, on some controverted head in divinity; 2, a homily in English; 3, a critical exercise on some portion of the original text of the Old Testament;

4, an exercise and addition on some portion of the original text of the New Testament; 5, a lecture on some portion of Scripture; and 6, a popular sermon, and such other exercises as the professors may think fit to prescribe. *Time of Delivery.*—Professors of divinity are required, so far as they find it practicable so to arrange, that every student shall deliver his first discourse sometime during his second session at latest, and the remainder of his discourses at such periods as may enable him to deliver the whole of them before the end of January of the last session of his course.

Study of Elocution.

1883, Act 7, c. 1, s. 10.—Students shall be required to study the art of public reading and speaking under a competent teacher approved of by the Faculty of Theology, during at least one hour a-week in each of two sessions, the attendance extending over at least sixteen weeks of the session. They shall produce to the Presbytery, before being taken on trials, evidence of such attendance.

Attendance at Foreign Universities.

1883, Act 7, c. 1, s. 11.—Students who shall, during at least the first and second full and regular sessions of their course, have attended the theological classes at one or more of the universities of Scotland, and shall have delivered, with approbation, the six trial discourses above-mentioned, and who wish to prosecute

the remainder of their theological curriculum at a Protestant university, or universities, beyond the bounds of the Church, shall, before repairing thither, undergo a satisfactory examination by the Presbyteries with which they are connected. They shall, moreover, satisfy such Presbyteries in regard to the classes which they propose to attend, and also as to their proficiency in the language used in the foreign university in which they intend to study.

Students not to act as Preachers.

1883, Act 7, c. 1, s. 12.—Ministers of the Church are prohibited from giving permission to students of divinity to engage in the public ministry, before being regularly licensed to preach the Gospel.

Trials with a view to Licence.

After a student has completed his theological course, he has to undergo certain private trials by the Presbytery, with a view, in the event of their being found satisfactory, to his being taken on public trials for licence, after the consent of the Synod to that effect has been applied for, and obtained by the Presbytery.

Private Trials.—Preliminaries.—Motion.—1883, Act 7, c. 2, s. 1.—The student should, in the first instance, arrange with a minister to whom he is known, to propose to the Presbytery that he be taken on trial. When that is done the Presbytery must be alone. The proposal or motion must lie on the table till

next ordinary meeting ; and meantime the Presbytery shall appoint the member by whom the student has been proposed, to lay before the next meeting the certificates after-mentioned, and to inform the student that he ought, as far as circumstances will admit, to wait on such ministers of Presbytery as may not have had an opportunity of conversing with him in private.

C. 2, s. 3, sub-sec. 3.—The certificates which the student must place in the hands of the member by whom he has been proposed, in order to their being laid by him before the next meeting of Presbytery, and without which the student cannot be admitted to trial, are—(1) along with the requisite certificates from the professors of Church History, Hebrew, and Biblical Criticism, a certificate from the professor (or in the event of his having attended at more than one Divinity Hall, from the professors) of divinity, bearing that he has prosecuted his studies, and delivered his discourses in the manner prescribed by this Act (1883), that the same have been sustained, and that his conduct, so far as it consists with the professor's knowledge, has been suitable to his views as a candidate for licence. The Presbytery shall keep *in re-tentis* a certified copy of the certificates from the professors of divinity produced by the student ; and a second copy, similarly made and certified, shall be forwarded to the clerk of the Synod by the clerk of the Presbytery.

Sub-sec. 4.—No Presbytery shall receive a student on trial without being satisfied that he is of good

report, sound in his principles, pious, sober, grave, and prudent in his behaviour, of a peaceable disposition, and well affected to the establishment in both Church and State. The Presbytery are likewise prohibited from agreeing to the motion on behalf of the student, unless his residence during the year preceding has been chiefly within their bounds. Failing such residence, he must produce sufficient testimonials from the Presbytery in whose bounds he has had his chief residence during that term, bearing that his character in the various particulars is such as has been described, and recommending him in those respects to the Presbytery before whom the proposal has been made, as a proper person to be entered on trial.

C. 2, s. 2.—When a student has completed his theological course, and his last session has been a regular one, the Presbytery may, at their *first* meeting after the conclusion of the session, take into consideration the motion that he be admitted to probationary trials; provided that notice of the motion shall have been given by the member by whom the student was proposed at the meeting of Presbytery immediately preceding. In order that the student may not be obliged to prepare for a strict examination by the Presbytery or its examining committee during the currency of his last regular session so as to interfere with the prosecution of his class studies, the strict and private examination formerly required to be held at this stage shall be deferred until after the consent of the Synod to the student being admitted to probationary trials shall have been obtained.

Consideration of Motion by the Presbytery.—1883, Act 7, c. 2, s. 3, sub-sec. 1.—The necessary certificates having been lodged, the Presbytery, at the next ordinary meeting after the proposal to take the student on trials has been made, shall consider the proposal or motion, and shall be alone while they are employed in discussing the several preliminaries respecting students who are proposed for trials, and shall require satisfying evidence that every student who is proposed has completed the twenty-first year of his age.

C. 2, s. 3, sub-sec. 5.—If, after these preliminary steps have been taken, the Presbytery shall be of opinion that the student is duly qualified in the several particulars specified, they shall record this opinion in their minutes, and at the same time appoint the clerk to give notice to the several Presbyteries within the bounds of the provincial Synod, six days at least before the meeting of Synod, informing them, either by advertisement in the newspapers of most general circulation throughout the bounds of the Synod, or by letters or post-cards addressed to all the ministers of Synod, of the Presbytery's intention to take the student on public trials, and bearing that the certificates in his favour required by this Act (1883) have been regularly laid before them.

C. 2, s. 3, sub-sec. 6.—A Presbytery cannot take a blind student on trials without first consulting the General Assembly.

Transference of a Student's Trials.—1883, Act 7, c. 2, s. 4.—It shall be competent to any Presby-

tery, at the request of the student, and on sufficient cause being shown, to transfer the receiving of the probationary trials, or any parts thereof, certifying to the Presbytery to which the transference is made that the various preliminary steps have been taken, according to the directions of the Act, and that such parts of the trials as have been already gone through have been received with approbation. Failing such certificate, a transference is incompetent.

1883, Act 7, c. 2, s. 5.—When a student has studied in part (under the provisions of chapter 1, section 11 of this Act) at a Protestant university not within the bounds of the Church, he shall, when proposed to a Presbytery for trials, produce satisfactory testimonials from the professors under whom he has studied; and the time which these professors shall certify to have been employed by him in studying divinity, or other branches of theological knowledge under them, shall be computed in the same manner as if he had prosecuted his studies in any of the universities within the bounds of the Church. It is incompetent, however, for a Presbytery to receive on trial any student who has prosecuted his studies at a foreign university otherwise than according to the provisions referred to, until, on application, they shall have received authority to do so from the General Assembly.

Notice to the Synod, and consideration thereof.—1883, Act 7, c. 2, s. 6.—When a Presbytery propose to take a student on trial, and have, with that view, given the notices required by this Act, public intima-

tion thereof shall be made at some diet of the next meeting of the provincial Synod, which shall not be the last diet thereof. And the Presbytery clerk shall transmit to the Synod clerk (1) a certified copy of the certificates in favour of the student which were laid before the Presbytery, and (2) an extract of the minutes relative thereto, in order to their being produced at this diet of Synod. At some subsequent diet of the Synod, particular inquiry shall be made whether any of the members of court has any objection to offer against the student being entered on trials.

Subjects and Order of Trials.—1883, Act 7, c. 2, s. 7.—If the Synod allow the student to be taken on trial, the Presbytery shall proceed therein with all convenient speed.

Private Trials.—The Presbytery, in order to satisfy themselves that the student has made a competent degree of proficiency in those several branches which are necessary to enable him to be a useful preacher of the Gospel, shall examine the student strictly and privately on his knowledge of the Greek and Latin languages, and of philosophy and theology.

Public Trials.—Thereafter, the following trials shall be taken of the student, and in the order undermentioned—(1) catechetical trials on Divinity, Chronology, and Church History; (2) trials on the Hebrew and Greek languages; (3) an exegesis in Latin on some controverted head in Divinity; (4) a homily in English; (5) an exercise and addition; (6) a critical exercise on a portion of the Hebrew text of the Old

Testament; (7) a lecture on some portion of Scripture; and (8) a popular sermon. If the Presbytery see cause, they may examine the student on the subjects of these several discourses.

Discourses which may be heard earlier.—1883, Act 7, c. 2, s. 8.—It shall be competent to the Presbytery, subsequently to the close of a student's second year's attendance at the Hall, to prescribe to him an exegesis, homily, and lecture, and to receive and hear the same prior to his entering on his third session. In the event of their doing so, they may keep these discourses *in retentis*, and regard them as part of the prescribed trials.

Licence.

1883, Act 7, c. 2, s. 9.—The student having gone through the several trials above-mentioned, the Presbytery shall proceed in the following order—(1) they shall deliberately take a conjunct view of the whole trials, and if they shall be of opinion that the student is not properly qualified to perform the duties incumbent on a preacher of the Gospel, they shall not grant him a licence in his present circumstances; (2) if, however, on a review of his trials, the Presbytery are fully satisfied therewith, they shall record that opinion in their minutes; (3) the Presbytery shall then propose to the student the questions which are appointed, by Act 10th Assembly 1711, to be put to all who pass trials, and shall require him to subscribe the formula prescribed by the said Act. Presbyteries are prohibited from licensing any student to

preach the Gospel who shall not give explicit and satisfying answers to these questions, and subscribe the formula. No questions or formula can competently be used, other than those prescribed by the said Act; (4) the Presbytery shall order the Act 8th of Assembly 1759, against simoniacal practices, to be read to the student in their presence; (lastly) the Presbytery shall then appoint the moderator to license the student to preach the Gospel, and the clerk to furnish him with an extract of his licence.

PROBATIONERS.

Removal from one Presbytery to another.

1883, Act 7, c. 3, s. 1.—Every probationer, on leaving the bounds of the Presbytery by which he was licensed, or in which he has been residing as a probationer, and going to reside within the bounds of another Presbytery, shall, within two months, report himself through the moderator, or clerk, to the Presbytery into which he has gone, and lay before them an extract of his licence, with a Presbyterial certificate of his being a probationer, and that his conduct is in every respect becoming his profession.

The Presbytery shall mark in their register the probationer's name, and the name of the Presbytery which licensed him, as well as the name of the Presbytery from which he received such certificate. The failure, however, of a probationer so to report himself, and to produce such certificate, shall not exempt

him from the jurisdiction of the Presbytery within whose bounds he resides or officiates.

Presbyteries are enjoined to keep a watchful eye on all probationers residing within their bounds, and to require from them the same subjection and orderly carriage to which they were engaged to the Presbyteries by which they were licensed. In licensing probationers, Presbyteries are enjoined to read over and call their particular attention to this section of the Act.

List of Probationers to be transmitted annually to the Assembly.

1883, Act 7, c. 3, s. 2.—Presbyteries shall annually, at their meeting for the election of commissioners to the Assembly, extract from their records and transmit to the Assembly a complete list of all the probationers then residing, or who shall have resided within, their bounds for the space of two months immediately preceding the date of said list, mentioning, first, the names of all the probationers licensed by themselves, and then the names of all other probationers residing within their bounds, with the names of the Presbyteries from which they have brought certificates as probationers, as well as of the Presbyteries that licensed them. The list shall contain also the names of all students who have been proposed for, or are under trials for licence.

The committee for examining commissions to members of Assembly shall annually make up a roll of the said probationers (and students) from those lists, which

roll shall be presented to the Assembly as a part of the committee's annual report, and be recorded in the Assembly's register.

*List of Silenced Probationers and Deposed Ministers
to be also transmitted.*

1883, Act 7, c. 3, s. 3.—In transmitting the lists above-mentioned, Presbyteries shall, at the same time, transmit to the Clerk of Assembly an account of any probationers who shall have been silenced by them during the course of the year preceding the date of said account; and also of any ministers who shall have been deposed by them from the office of the ministry.

Form. of Process.

1883, Act 7, c. 3, s. 4.—In all cases of prosecution, by libel or otherwise, against probationers, the rules of the form of process shall be observed in the same way as in the prosecution of ministers.

HISTORICAL SUMMARY.

Students.

The history of the Acts which have, from time to time, been passed by the Assembly for the purpose of regulating the training and education of students of divinity, is interesting as exhibiting the successive steps which have gradually led up to the law of the

present time. These Acts, however, possess a higher interest when read, as they may be, in the light of a record, not only of the careful supervision which the Church has always exercised over her students, but of her constant efforts to secure a ministry fitted by character and attainments to promote the spiritual interests of the people.

The present short summary of the import of these Acts may, for the sake of clearness, be arranged under separate heads.

Enrolment in Divinity Hall, and Examinations.—

The mode which a student must adopt at the present day to obtain such enrolment is clearly defined; but in the earlier years of the Church, the precise course which required to be followed is somewhat uncertain. An Act, which was passed of this date (May 19, 1727), was the first which contained any specific direction on the subject, and that direction amounted merely to this, that on entering the Hall a student was bound to produce to the professors of divinity a certificate or testimonial from the minister of the parish from which he came. In the absence, however, of any direct enactment, it may be presumed that before a student was admitted to the roll of students of divinity for the first time, the professors of divinity would require evidence to be furnished, in the form of certificates or otherwise, that he had gone through an adequate course of philosophy.

The first reference to anything being required beyond the certificate above-mentioned, occurs indirectly in an Act of this date (May 30, 1782), and is to the

effect, that before a student could be entered on trials for licence, it was incumbent on him to produce to the Presbytery the diploma or certificates on which he had been enrolled as a student of divinity. It would thus seem that the production of such evidence in obtaining enrolment had, by long usage, become a rule of the Church, without any positive enactment.

The mode of enrolment, however, was placed on a more distinct footing by an Act of this date (May 26, 1827), by which it was ordained that, previously to such enrolment, a student was to be examined by the Presbytery within the bounds of which he resided, on literature, science, and philosophy, particularly on Greek and Latin, and was to present to the professors of divinity the certificate of examination granted by the Presbytery.

The examination was further extended by an Act of this date (May 29, 1837), by which it was enacted that, in addition to the subjects above specified, all students, previous to their first enrolment, were to be examined by their respective Presbyteries on their knowledge of the Christian religion, as exhibited in the catechetical standards of the Church, and were to produce to the professors of divinity certificates that they had passed such examination in a satisfactory manner. It was enacted, of the same date, that students of divinity should be annually examined by Presbyteries, and should produce to the professor of divinity, every session, certificates to that effect.

An additional requirement was specially imposed by an Act of this date (May 27, 1843), to the effect that

no student was to be admitted into the Hall unless he produced to the professors of divinity, and to the Presbytery within whose bounds he resided, a certificate that he had attended the Latin class in some university for at least one session, and had made satisfactory proficiency as a Latin scholar.

A new element was introduced by an enactment of this date (June 2, 1851). Presbyteries were thereby prohibited from examining any student, with a view to his enrolment, unless he was known to some member thereof as having had his chief residence within their bounds for the previous six months, or produced a satisfactory certificate to them from the Presbytery within whose bounds he had so resided for the like period immediately preceding the date thereof.

By an Act of this date (May 29, 1863), it was ordained that, previous to the enrolment of any student as a student of divinity, it shall be necessary for him to lay before the Presbytery within the bounds of which he had chiefly resided, a certificate from the minister of the parish in which he had had his usual residence (or, in his absence or during a vacancy in the parish, from some neighbouring minister), bearing that his character is suitable to his views, together with a diploma of Master of Arts, or certificates from the several professors of philosophy, in order that it may be ascertained that in some university or universities of Scotland he had gone through a full course of philosophy in some winter sessions preceding that in which the certificates were produced. In the absence of a diploma of Master of Arts, the student was required

to produce certificates of having attended the classes for Latin, Greek, Logic, Mathematics, Moral Philosophy, and Natural Philosophy. On these being lodged, the Presbytery was appointed to examine him on literature, science, and philosophy—particularly on Greek and Latin, and also on his knowledge of the Christian religion as it is exhibited in the catechetical standards of the Church. The examination being completed, it was incumbent on him, with a view to obtain enrolment in the Hall, to produce to the professors of divinity all the documents which he had laid before the Presbytery, along with a certificate from the Presbytery bearing that he had passed his examination in a satisfactory manner.

A slight modification was made on the prescribed examination by an Act of this date (May 29, 1871). Presbyteries were thereby vested with power, if they deemed it advisable, to exempt students coming before them with a view to entering the Divinity Hall who had taken the degree of M.A. in any of the universities of Scotland from an examination on those branches of literature and science, proficiency in which is denoted by such degree; but they were bound, nevertheless, to examine such students on their Scriptural and religious knowledge.

On the same day (May 29, 1871), an Act was passed appointing the elements of Hebrew grammar to be included among the subjects of examination for students about to enter the Hall.

With a view to secure uniformity in the examination of students before entering the Hall, an Act was passed

of this date (June 1, 1872), constituting the four Synodical Committees of Examination—one at the seat of each university. Regulations to be observed in the examination of students previous to their entering the Hall were at the same time passed as an Overture and Interim Act, and were converted into a standing law of the Church of this date (June 1, 1874).

Of this date (May 27, 1876), power was given to the four examining committees, in examining students previous to their entering the Hall, to exempt from examination such as had passed all the examinations required for taking the degree of M.A., but had delayed obtaining their diploma with the view of graduating with honours.

In a consolidating Act, which was passed of this date (May 31, 1879), the duty was imposed on the Presbytery of requiring from a student who proposed to enter the Hall for the *first time* the production of a certificate from the minister of the parish in which he usually resided, founded on the minister's personal knowledge, bearing that the student was in communion with the Church, that he was regular in his attendance on Church ordinances, and that his character and deportment were in all respects suitable to his views. He was also bound to produce a diploma of M.A., or certificates to instruct that he had gone through a full course of Arts and Philosophy, as indicated p. 38.

Length of Attendance at Divinity Hall.—The first Act regulating the length of attendance at the Hall was passed of this date (May 22, 1711), and ordained that students should not be admitted to trials for licence

unless they had attended the Hall for six years, or had closely followed the study of divinity and the languages for that space. It was declared, however, that the Act should not be extended to students who had the Irish language, who might, with consent of the Assembly, be licensed before the expiry of that period.

This continued to be the law for a period of seventy-one years, when a modification was introduced of this date (May 30, 1782), to the effect, that such students as had given close attendance for four years might be admitted to trials ; but that those whose circumstances did not permit them to give such attendance could be entered to trials only, provided they continued to prosecute the study of divinity for six years, and delivered, within that time, the usual number of discourses.

The requirements of the Act of 1782 were observed for thirty-one years, when certain alterations were made of this date (May 31, 1813). It was then enacted, that if a student had given regular attendance during three sessions, his course should be considered as completed in four sessions ; but that if he had given such attendance during only two sessions, his course should be regarded as completed in five sessions. The provision which previously existed in favour of students in poor circumstances, was not renewed or noticed in this enactment.

This law was acted on for thirteen years, when, of this date (May 27, 1826), students were required to give, at least, one year's regular attendance at the

Hall, which might be either the first, second, or third year of the course.

An Act was passed in the following year (May 26, 1827), which ordained that when students had given only one year's regular attendance they were, during the currency of the fourth year of the course, to be examined by their respective Presbyteries on their attainments in Divinity, Church History, Greek, and Hebrew.

The law remained in this position to this date (June 2, 1856), when attendance for at least two regular sessions was rendered imperative.

In an Act of this date (May 29, 1863), it was declared that the attendance should be held as completed in four sessions, provided that it had been regular during three of those sessions; but that such students as had given regular attendance for only two sessions were to continue to prosecute the study of divinity for other three sessions—all students being at the same time required to give at least two sessions of regular attendance on the classes of Divinity, Church History, Hebrew, and Biblical Criticism—if a class of Biblical Criticism had been established in the university at which they had prosecuted their theological course.

A further alteration on the length of attendance was made of this date (June 2, 1866), when it was declared that all candidates for the ministry were required to attend the Hall either three full and regular sessions, without the fourth partial session, or two full and regular sessions and three partial sessions; and further, that no student whose last session was a regular one

could be proposed for trials until that session had been duly completed.

The rule thus laid down was repeated in an Act of this date (May 31, 1879), since which no change on the law, under this head, has been made.

Training in Divinity Hall.—In an Act of this date (January 4, 1696), and which proceeds on a narrative of the necessity that those who declare the oracles of God to others should themselves understand them in the original languages, it was enacted that students were not to be licensed unless they gave good proofs of their understanding Greek and Hebrew. The study of other Oriental languages—especially Chaldaic and Syriac—was at the same time recommended. Students were also to be tried on their knowledge not only of the great controversies of religion, but of those concerning the government and discipline of the Church.

In order that the knowledge which students possessed might be satisfactorily ascertained, it was ordained of this date (March 27, 1704), that the catechetical trials were not to be perfunctorily gone about; but that Presbyteries were, at the outset of the trials, to appoint some of their own number to examine students in their presence on the several heads of divinity and the government of the Church, and to ascertain what reason they could give of their faith, and whether they could answer some of the principal objections which were urged against it.

In an Act which was passed of this date (May 30, 1782), it was, among other things, enacted, that Pres-

byteries were to admit only such students to trials as were possessed of sufficient learning; and that, if a professor of divinity thought fit to recommend a student for trials, his testimonials should certify the student's proficiency in his studies, and his moral character.

The next enactment was passed of this date (May 27, 1833), after a lapse of fifty-one years. It was thereby ordained that every student, on applying to be taken on trials, was to produce certificates of having regularly attended the classes of Church History and Hebrew during two of the sessions which he claimed to be considered as sessions of regular attendance at the Hall.

It was required by a subsequent Act of this date (May 30, 1836), that a critical Hebrew exercise on some portion of the original text of the Old Testament was to be prepared and delivered by every student in the course of his attendance at the Hall.

A declaration was passed of this date (May 31, 1845), that certificates of attendance on the classes of Divinity, Church History, and Hebrew, must be from professors in communion with the Church.

In an Act of this date (June 4, 1849), the attendance on the classes of Church History and Hebrew for two regular sessions, required by the Act of 1833, was renewed, and students were appointed to deliver, in the Divinity Hall, an exegesis in Latin on some controverted head in divinity, a homily in English, a critical exercise on some portion of the original text of the Old Testament, an exercise and addition on

some portion of the original text of the New Testament, a lecture on some large portion of Scripture, and a popular sermon, with such other exercises as the professors might think proper to prescribe.

A Declaratory Act was passed of this date (June 2, 1851), explanatory of the meaning of the Act of 1849.

The last Act to be noticed was passed of this date (May 31, 1879), and ordained that all students must give, at least, two full sessions of regular attendance on each of the classes of Divinity, Church History, Hebrew, and Biblical Criticism. No change was made by this Act on the number of discourses prescribed, or the time of their delivery in the Hall.

Requirements of the Church as to Conduct, &c.—The first enactment under this head was passed of this date (January 4, 1696), and enjoined, that strict inquiry be made regarding the piety, gravity, prudence, sobriety (orthodoxy and learning), of such young men as were offered to Presbyteries in order to pass their trials, and that those be rejected who had not sufficient testimonials of their good behaviour and proficiency. Moreover, such as were esteemed to be vain, imprudent, proud, or worldly-minded, by the generality of sober intelligent persons who conversed with them, were to be kept back from the sacred work.

In a subsequent Act (April 11, 1705), Presbyteries were recommended to be careful that none be licensed, or admitted to churches, except such as gave evidence of their orthodoxy, of their good affection to the government of Church and State, of their peaceable disposition, and of their literature.

In order to meet the case of persons who had been deposed, or had failed to obtain licence, going abroad, and taking on themselves to preach the Gospel, the Assembly, of this date (May 23, 1711), strictly prohibited such practice, and directed intimation of the enactment to be made to ministers in foreign places.

In 1714 the Assembly recommended to Presbyteries and professors of divinity strictly to observe the Acts of 1705 and 1711 just referred to.

In an Act, which was subsequently passed, of this date (May 19, 1727), it was ordained, that when a Presbytery which was about to enter a person on trials should receive a letter from another Presbytery, showing their dissatisfaction with such person, and giving grounds therefor, the person was not to be licensed until the Synod gave their direction in the matter, or the Presbytery who had expressed their dissatisfaction signified their consent to the trials being proceeded with.

Several years afterwards an Act was passed (May 19, 1735), in which, on the one hand, Presbyteries and ministers were recommended, when they came to know of any error or vice in students of divinity, to give notice thereof to the professor of divinity under whom such students were taught, with an account of how the same could be proved. On the other hand, such professors were recommended not to be rash or hasty in receiving reports to the prejudice of students. Such advice was equally judicious, and fairly distributed.

The Assembly does not appear to have considered it necessary to pass any further regulation till this

date (May 30, 1782), when Presbyteries were enjoined not to admit any persons to probationary trials except such as were found to be of good report, of sufficient learning, of sound principles, of a pious, sober, grave, and prudent behaviour, of a peaceable disposition, and well affected to the government in Church and State, and of whom they had sufficient ground to conceive that they would be useful and edifying in the Church—as to all which Presbyteries were directed to make careful inquiry. Further, such as were esteemed to fall under the description of persons enumerated in the Act of 1696, above referred to, or were unacquainted with the power of practical godliness, were, without respect of persons, to be kept back from the office of the ministry.

The subsequent Act of this date (May 31, 1813), contains substantially the same requirements regarding the character of students as those specified in the Act of 1782. Moreover, in order that the Presbytery might proceed with due caution in a matter of such peculiar importance as the taking of a student on trials for licence, they were directed not to agree to a motion to that effect, unless the student's residence during the year preceding had been chiefly within their bounds, or he had produced sufficient testimonials from the Presbytery in whose bounds his residence had chiefly been during that term, bearing that his character was such as satisfied the requirements above referred to, and enumerated in the Act of 1782, and recommending him in those respects as a proper person to be entered on trials. The object

of the provision in this Act, that a student must have had his chief residence for a year within the bounds of a Presbytery before being admitted to trials for license, was obviously that the members of Presbytery might possess a personal knowledge of his conduct. The provision shows the extreme care exercised by the Church that none should be admitted to the ministry except those whose dispositions and habits would bear the strictest scrutiny.

The moral and religious qualifications above-mentioned which students who applied to be taken on trials for licence must possess, are repeated in almost the same words in the subsequent Acts of 1849, 1863, and 1879.

Private Trials.—Under the heads which have been already noticed in the present summary, the extent of knowledge as well as the religious qualities which students were required and expected to possess, have perhaps been sufficiently indicated ; and it may now be useful to ascertain the manner in which that knowledge and these qualities were tested when students reached the stage of making an application for licence as preachers of the Gospel.

The mode of conducting the private trials was regulated, for the first time, by an Act of this date (May 30, 1782), to which frequent reference has already been made. It differs little in its essential features from the practice which prevails at the present day.

Public Trials.—These trials were also first regulated by the Act of this date (May 30, 1782), and the procedure in nearly all respects was the same as at

present. The difference between the former and the present practice consists mainly in two things—(1) that six days' notice to the Presbytery within the bounds of the Synod is now sufficient, instead of two months; and (2) that no promise is now taken or recorded regarding the engagements required by the Act of 1711.

Age at Licence.—It appears to have been the conviction of the Church in early times, that young men intended for the ministry should not only undergo a somewhat lengthened course of training in divinity, but have attained to a certain maturity of judgment before being licensed. Accordingly, the Assembly which met at St Andrews of this date (April 24, 1582) ordained that no one should be admitted to the ministry until he had attained the age of twenty-five years complete. This enactment was confirmed and renewed by the Assembly which met at Glasgow of this other date (November 27, 1638). Both these Acts, however, conferred power on the general or provincial assemblies to grant licence at an earlier age to such young men as had exhibited rare and singular qualities, and were judged to be worthy to enter the ministry. These Acts were ratified and renewed of this date (March 27, 1704), and continued in force from the first enactment for a period of two hundred years; but of this date (May 1782), it was ordained that students might be licensed who had attained the age of twenty-one years complete. This has since continued to be the law.

Probationers.

The law of the Church regarding probationers has undergone little change since its first enactment, nearly two hundred years ago. Any alterations which have been made, have been for the purpose of rendering the law more exact and complete.

Removal.—In the first Act, which was passed of this date (April 11, 1694), probationers were appointed, when they removed from the Presbytery by which they had been licensed, to carry with them an extract of their licence, and a testimonial of their carriage, and to present the same to the Presbytery to which they had gone, or at least to some minister therein, before they preached within the bounds; and such minister was prohibited from employing them except in his own pulpit, until he had given notice thereof to the Presbytery at their next meeting, and had their allowance. At that date probationers required, in obtaining licence, to undertake an obligation to preach only within the bounds, or by direction of the Presbytery by which they were licensed; but this restriction does not seem to have prevailed for a lengthened period, though at what precise time it fell into disuse is uncertain.

This requirement, in the case of removal, was somewhat extended by an Act which was passed in the following year (December 31, 1695). Probationers were then appointed to carry with them, in addition to the licence and certificate, a letter from a person known to the Presbytery to which they went; and

the Presbytery was directed to write to that person (if necessary) to know the verity thereof.

The rules so established seem to have been observed, without alteration, for a period of forty-one years, when the law was placed on a more precise and satisfactory footing, by an Act which was passed of this date (May 21, 1736). Every probationer residing for the space of two months betwixt the date of the Act and the Assembly then next, within the bounds of any Presbytery of the Church, and in like manner annually thereafter, was thereby required within the said space (of two months) to present his licence to said Presbytery, and the Presbytery were appointed to cause to be marked in their register the probationer's name, and the name of the Presbytery which licensed him.

No further change was made on the law regarding the removal of probationers from one parish to another till this date (May 27, 1863), when the law was placed on its present footing.

Subjection to Presbyteries.—In the earliest Act on this subject, which was passed of this date (April 11, 1694), it was ordained that when persons were first licensed to be probationers, they were, by promise and subscription, to engage that they would be subject to the Presbytery which licensed them, or to any other Church judicatory where they might have their abode for a shorter or longer time, and that they would follow no divisive course. The engagement so undertaken was at that time inserted in the licence.

This enactment continued, without modification, to be the law for the long period of one hundred and

sixty-nine years, when certain alterations were made of this date (May 29, 1863). The engagement of subjection then ceased to be inserted in the licence. Presbyteries, however, were enjoined to keep a watchful eye on all probationers residing within their bounds, and to require from them the same subjection and orderly carriage to which they were engaged to the Presbytery by which they were licensed. In licensing probationers, Presbyteries are enjoined to read over and call their particular attention to this section of the Act (May 29, 1863, c. 3, s. 1). In this respect, the subsequent Act of 1879 is conceived in the same terms.

Lists.—The first enactment requiring a list of probationers (and students) to be annually furnished to the Assembly, was passed of this date (January 4, 1697). It was then ordained that the commissioners from the several Presbyteries within the Church were to bring in an account to the Assembly, yearly, of all the students of divinity who had passed their trials in order to the ministry, from one Assembly to another (and of all others who had not passed their trials, but were attending the lessons of the professors of divinity), that a roll might be made up, and their names read in open Assembly, and recorded in the registers thereof.

This provision was rendered more exact and effectual by an Act which was passed of this date (May 21, 1736). Each Presbytery was thereby appointed to extract from their records annually, in March or April, a complete list of all the probationers then residing within their bounds, or who had resided therein for

the space of two months immediately preceding either of these months, mentioning in the said extracts, first, the names of the said probationers licensed by themselves, and then the names of the others residing as above, together with the names of the Presbyteries which licensed them. These extracts (which were also to include the names of such students as were under trials) were directed to be made out on the schedule containing the Presbytery's commission to the members sent yearly to the Assembly, and to be signed in the like manner. And the committee for examining commissions were at the same time appointed annually to make up a roll of such probationers (and students) from these extracts, and to present the same to the Assembly as a part of their annual report, to be recorded in the Assembly's register.

Certain changes of no great importance, however, were introduced of this date (May 29, 1863, c. 3, s. 2), to the effect—(1) that instead of the lists of probationers being made out, as formerly, in the month of March or April, Presbyteries were then directed to extract from their records and transmit such lists annually at their meeting for the election of commissioners to the Assembly; and (2) that in the case of probationers who had not been licensed by the Presbytery, but were only residing within their bounds, the names of the Presbyteries from which they brought certificates as probationers were to be specified in the list, in addition to the other particulars previously required. The law, as thus amended, was repeated in the Act of this date (May 31, 1879).

Lists of Silenced Probationers and Deposed Ministers.

—The practice of transmitting such lists from time to time to the Assembly was introduced of this date (April 27, 1709). The several Synods and Presbyteries of the Church were then appointed to send accounts from time to time to the Clerk of the Assembly of all ministers who had been deposed or suspended, and of probationers who had been silenced by them. The object which the Assembly had in view in requiring these lists to be furnished was, as expressed in the Act, that due and proper methods might be used to make the same publicly known to all concerned.

This appointment seems to have been acted on at intervals down to this date (May 29, 1863), when certain alterations were made. Presbyteries were then appointed, in transmitting the annual lists of probationers, at the same time to transmit to the Clerk of the Assembly an account of all probationers who had been silenced by them during the course of the year preceding, and of all ministers who had been deposed by them from the office of the ministry. Thus the duty of transmitting these accounts for the information of the Assembly, instead of being imposed, as formerly, both on Synods and on Presbyteries, and from time to time, as they might judge to be expedient, was laid on Presbyteries alone, and annually, at a particular period; while there is no obligation in the Act to include, as previously, the names of ministers who had merely been suspended. The enactment was repeated in the Act of this date (May 31, 1879).

Form of Process.—The form of process, which was

approved of and enacted into a law, of this date (April 18, 1707), had reference specially to ministers, elders, and members of the Church. Act 11 (June 1, 1835) also expressly includes probationers.

2.—*ADMISSION AND SETTLEMENT OF MINISTERS.*

By Act of Parliament, which was passed of this date (August 7, 1874), the Acts of the 10th of Queen Anne, c. 12, restoring patronage, and the Scottish Benefices Act, 6 & 7 Victoria, c. 61, commonly termed Lord Aberdeen's Act, were repealed, patronage was abolished, and in future the right of appointing ministers to vacant parishes was vested in the congregations of the Church, subject to regulations to be framed by the General Assembly.

By the present regulations, which were enacted of this date (June 4, 1883), the first step on the occurrence of a vacancy is the

Appointment of Moderator of Kirk-Session.

On a vacancy occurring in a parish, a meeting of the Presbytery shall be held as soon as possible, and within ten days of the vacancy coming to the knowledge of the moderator or clerk, and at that meeting the Presbytery shall appoint a minister to declare the vacancy, and one of their own number to be moderator of the kirk-session. In collegiate charges, and in cases for the appointment of an assistant and

successor, such appointment of a moderator shall be for the purposes of these regulations only, and shall not be made if the minister of the parish should intimate that he desires to perform the duties. At all meetings of the congregation in connection with the vacancy, the moderator of the kirk-session, whether appointed, or minister of the parish, shall preside, and the roll of the congregation shall be in his hands. In case of the unavoidable absence of the moderator, he may, in writing, authorise a member of Presbytery to act for him, but must specify the occasion on which that member is to act.

*Procedure in the Appointment of Assistant and
Successor.*

The Presbytery shall not take any step toward such appointment in a parish until they have cited from the pulpit the parishioners, and all concerned, to a meeting of Presbytery, to be held not less than seven free days after the citation, and have thereafter come to a finding, that in consequence of the mental or bodily incapacity of the minister, or other lawful and sufficient cause, to be specified in the deliverance, it is necessary that steps be taken for the appointment of an assistant and successor. The Presbytery shall not pronounce any such finding unless they are satisfied that such appointment would be in accordance with the general wish of the parties interested. The date of such finding by the Presbytery shall be held to be the date of the occurrence of the vacancy. The pro-

cedure thereafter shall, subject to the qualification in Regulation 1, be the same as if the parish had become vacant, provided that, in the event of the death of the minister before an election has been made, the date of the vacancy shall, in that case, be held to be the date of the death of the minister, and procedure shall begin *de novo*. If the death of the minister occur, however, after the election, but before induction, that shall not affect the procedure.

Intimations to be made on occurrence of Vacancy.

The minister appointed to declare the vacancy shall be furnished by the Presbytery with the declaration, which may be in the form of Schedule A, 1; and when declaring the vacancy, he shall, at the same time, make the intimations provided for in Schedule A, 2. The kirk-session shall appoint the meetings therein specified, and furnish him with the intimations of the schedule complete. The time allowed for giving in certificates as communicants, and claims to be enrolled as adherents, shall be not less than seven nor more than eleven free days; and the time during which the roll of the congregation, as proposed by the kirk-session, shall be open for inspection, shall be not less than three free days. The claim for enrolment as an adherent shall be in the form of Schedule B.

Roll of Congregation.

The Roll of the congregation shall include (1), as communicants, all persons, not being under Church

discipline, whose names are on the communion-roll at the date of the occurrence of the vacancy, as the same shall be adjusted in manner hereinafter specified, or who are, and at the date of the vacancy were, parishioners in communion with the Church of Scotland, and have given in certificates within the time intimated, in terms of Schedule A—it being provided, that communicants who have received certificates of transference shall be held as removed from the roll; (2), as adherents, only such other persons, being parishioners, not under twenty-one years of age, as have claimed to be enrolled as members of the congregation, and have shown, to the satisfaction of the kirk-session, that they desire to be connected with the congregation, and in regard to whom no reason appears to the kirk-session for refusing to admit them to the communion if they should apply. As regards adherents, the decision of the kirk-session shall be final.

Making up Roll of Congregation.

The kirk-session, at the meeting appointed for the purpose, shall hear any party having an interest, and shall prepare a list of the names and designations of those persons whom it is proposed by the kirk-session to place on the roll as communicants and adherents respectively; and the list shall be open for inspection for such time as shall have been appointed. Thereafter, at the meeting appointed for the purpose, any party having an interest shall be heard, and the list shall be revised and adjusted. It shall then be attested

by the moderator and clerk, and shall thereafter be held to be the roll of the congregation for the purposes of these Regulations, and a certified copy shall be forthwith transmitted to the clerk of the Presbytery. If, after the roll has been attested, any communicant on his own application receives a certificate of transference, the session-clerk shall give intimation of such transference to the moderator, and the name of that communicant shall thereafter be removed from the roll of the congregation.

Appointment of Committee by Congregation.

When the roll of the congregation shall have been made up, the moderator of kirk-session shall summon a meeting of the congregation by intimation from the pulpit, in the form of Schedule C, to be given not less than seven, nor more than fourteen, free days before the meeting. At that meeting the congregation shall appoint a committee of their own number, for the purpose of nominating one or more persons to the congregation, with a view to the election and appointment of a minister. Before proceeding to the appointment of the committee, or a new committee as after-mentioned, a resolution shall be passed, that the number of members constituting the committee shall not exceed a certain number, to be specified in the resolution. At the close of the meeting, the committee shall meet and appoint one of their number to be convener.

Contents of Committee's Report.

The report of the committee shall state the name of one or more persons whom they have resolved to nominate to the congregation, with a view to the election and appointment of a minister; and, on the demand of any member of committee, it shall also state the name of any person or persons as having been proposed and seconded for nomination, and voted upon in the committee. Any member of the committee may also require that the report shall give the state of the vote in the committee, upon any, or all, of the names mentioned in the report.

Giving in of Committee's Report.

When the committee has resolved to report, the convener shall communicate with the moderator of the kirk-session, who shall call a meeting of the congregation, to be held not less than seven free days after intimation from the pulpit, in terms of Schedule D. The report of the committee shall be read from the pulpit when the meeting is intimated.

If such intimation has not been given within three months after the appointment of the committee then in office, any six persons, whose names are on the roll of the congregation, may require the moderator to call a meeting of the congregation. On receiving the requisition, he shall give notice to the convener of the committee of the time at which intimation of the meeting is to be given. If the committee should

lodge their report with the moderator or clerk of the kirk-session before the day on which the meeting is to be intimated, the intimation shall be in the manner hereinbefore mentioned, but otherwise it shall be in terms of Schedule E.; such meeting to be held not less than three free days after the intimation.

The committee may at any time have a meeting of the congregation called by the moderator, to be held not less than three free days after intimation from the pulpit, in order to give information or explanation, or to obtain instructions.

Congregational Meeting on Report, or on Committee's failure to Report.

At any meeting of the congregation, held for the purposes of Regulation 8, if no report is submitted as hereinbefore defined, in which at least one person is nominated, or if all the persons nominated in the report have withdrawn, or if from any cause an election and appointment as hereinafter mentioned are not effected, the matter shall be remitted, with or without special instructions, to the same, or to a new committee.

In order to making an election and appointment, any elector present may propose that any person mentioned in the report, either as nominated or as having been voted upon in committee for nomination, shall be elected and appointed. If only one person is thus proposed and seconded, the moderator shall put the question, "Shall the Rev. A. B. [*naming him*] be now

elected and appointed—Yes or No?" If the number who vote "yes" exceed the number who vote "no," a minute to that effect, bearing the signature of the moderator, attested by two witnesses, shall be held to be a minute of election and appointment by the congregation, to the effect of being laid before the Presbytery of the bounds, as hereinafter-mentioned, and adjudicated upon by the courts of the Church in ordinary course. If more persons than one are thus proposed and seconded, and not withdrawn, their names shall be simultaneously put to the vote, and the name having fewest votes shall be struck off; and this method shall be followed till, by names being struck off or withdrawn, the name of only one person remains. His name shall then be put to the meeting, in the same form, and the same course shall be followed as if he had been the only person proposed and seconded, as hereinbefore-mentioned. In the event of the two names having fewest votes being supported by equal numbers, a vote shall be taken between these, to ascertain which shall be struck off.

At any meeting where such an election and appointment has been made, a call, previously prepared in the form of Schedule F, with the name left blank, shall be filled up with the name of the person so elected and appointed. The call shall be left for not less than seven nor more than eleven free days with the session-clerk, or other suitable person named by the meeting, to receive additional signatures of members of the congregation, and of parishioners.

*Adjourned Meeting of Congregation, and failure
to meet.*

Any meeting of a congregation may resolve to defer any part, or the whole, of the business of that meeting to an adjourned meeting; and when any meeting, as provided for in these Regulations, remits a matter to the same, or a former, or a new committee, with or without instructions, it may require the committee to give its report, or to give an account, at an adjourned meeting, or within a specified time.

The time of holding any adjourned meeting, and the intimation to be given of it from the pulpit (if intimation is resolved on), may be fixed by the adjourning meeting, or may be left, wholly or partially, to be afterwards fixed by the moderator. If the adjournment is for more than twelve days, intimation shall be given of the meeting. In every case in which the time of the meeting is left in any measure to be fixed by the moderator, intimation of it shall be given not less than three free days before the meeting.

If any congregational meeting which has been called should not be held, another shall be called, in like manner, by the moderator; and if a meeting which has been appointed by adjournment, without being also called, should not be held, another shall be called by the moderator, to be held not less than three free days after intimation from the pulpit.

No election and appointment of a minister shall take place at any meeting of which at least seven free days' intimation has not been given from the pulpit,

accompanied by the reading of the report upon which the appointment is to proceed.

Transmission of Documents to Presbytery.

The congregational minutes, the report of the committee, and the minute of election and appointment, shall be forthwith transmitted by the moderator of the kirk-session, to the moderator or clerk of the Presbytery, along with information of the address of the person in whose hands the call has been left for additional signatures, and of the length of time for which it has been so left. At the expiry of that time, the person with whom the call has thus been left shall transmit it to the moderator or clerk of the Presbytery.

Case of Presbytery's Judgment against Settlement.

If the Presbytery should resolve not to sustain the appointment, or if, having sustained it, they should afterwards, from any cause, resolve not to proceed with the settlement, or find that it cannot be proceeded with, the moderator of the kirk-session shall, as soon as possible, call a meeting of the congregation (that is, the congregation on the roll made up on the occurrence of the vacancy), to be held not less than three free days after intimation from the pulpit. The meeting having heard the deliverance of the Presbytery, shall, with or without instructions, either reappoint any former committee, or appoint a new com-

mittee, to proceed again as committees are directed to do in these Regulations.

Appeals.

No complaint or appeal against any judgment or any step of procedure affecting the appointment or settlement of a minister, shall make it incompetent to continue the proceedings; and no complaint or appeal against a judgment of the Presbytery refusing to sustain an appointment, or to proceed with a settlement, shall make it incompetent for the congregation to proceed to the appointment of another person, provided that, pending any complaint or appeal, the proceedings shall not, in any case, include the fixing of a day by the Presbytery for the admission of a minister.

Counsel and Agents.

It shall not be competent for any one to be represented by counsel or agents at any of the meetings of the congregation referred to in these Regulations.

Proviso as to Instructions.

Nothing contained in the Regulations shall be held as authorising a congregation to give instructions to any committee to nominate a particular person or persons in their report.

These Regulations are not carried beyond the stage of the appointment being sustained or rejected by the

Presbytery. The after procedure is regulated by the Act of Assembly, 1878, No. 10, and may here be briefly indicated.

Settlement of a Probationer.

When a Presbytery have resolved to proceed with the admission and ordination of a probationer who has been elected by a congregation, they prescribe to him the usual trials appointed by the laws of the Church. If these trials are sustained as satisfactory, the Presbytery then fix a day for the admission, and appoint one of their number to preach in the vacant church on a Sunday, at least seven free days before the day fixed for the admission, and to intimate the same from the pulpit before pronouncing the blessing, by reading, in the form of an edict, the day and hour fixed for the admission, and that if any one has any objection to offer to the life or doctrine of the person appointed, the Presbytery will receive the same at the meeting fixed for admission; but that if no such objection is offered and verified, they will proceed to induction. A copy of the edict may also be affixed to the most patent door of the church. The edict must be endorsed by the officiating minister and by two witnesses, as having been duly served.

The Presbytery meet in the vacant church on the day appointed. The edict is called for, returned by the minister who preached on the occasion when it was intimated, and, if it is found to have been regularly served, the fact is recorded in the minutes of

the Presbytery as a part of the proceedings. The Presbytery then cause public proclamation to be made at the most patent door of the church, three several times, that if any of the congregation or parishioners have any objection to the life or doctrine of the person appointed, they may state and verify the same to the Presbytery then met. In the event of no objection being made, and at the same time verified, the admission is proceeded with.

The minister who presides, after having preached, narrates the cause of the vacancy in the parish, and the procedure which has taken place in supplying it. He then puts the questions prescribed by Act of Assembly to the minister appointed, and on receiving satisfactory answers he descends from the pulpit. Thereafter the Presbytery, by prayer and imposition of hands, in which all the ministers present join, ordain the minister-elect, and sets him apart to the work of the holy ministry in the parish and congregation, and solemnly admit him to the pastoral charge thereof. This being done, the right hand of fellowship is given to the minister by the brethren present. Exhortations from the pulpit are subsequently addressed to him, and to the people, by the minister who presides. The proceedings being thus concluded, the congregation on retiring have an opportunity of welcoming their new minister by shaking hands with him. The Presbytery then resume their meeting, at which the minister admitted subscribes the formula, and his name is added to the roll of the members of Presbytery.

Translation of Minister previously Ordained.

When the minister of another parish is appointed by a congregation, the proceedings take the form of what is termed a process of translation. On the appointment being sustained by the Presbytery, commissioners are appointed to prosecute the translation; and the call, with an extract of the proceedings which have taken place, and reasons showing the expediency of the translation, are presented to the Presbytery of which the minister is then a member. The congregation and parishioners under his charge are made parties to the translation by citation from the pulpit; and if objections are offered, they are heard and disposed of, along with the reasons of translation, by the Presbytery to whom the call and other documents have been presented, and before whom the process of translation depends. If the translation is agreed to, an extract of the minute of the Presbytery is transmitted to the Presbytery within the bounds of which the vacant church is situated, and forms the warrant for that Presbytery to fix a day for the admission of the minister to be translated. The after proceedings are the same as those in the case of a probationer, with this difference, that when the questions appointed to be put at ordination are read to the minister, he is called on to declare his adherence to, and renewal of, the answers formerly given by him, and that so soon as the admission is completed, intimation thereof falls to be made to the Presbytery with which the minister was connected, inasmuch as his pastoral relation to

his former parish subsists until his actual admission into the other.

In the case of the translation of a minister from one parish to another within the same Presbytery, the transmission of the call, and an extract of the proceedings which have been taken, are rendered unnecessary; but the congregation and parishioners of the charge which he occupies must be made parties to the process of translation, by citation from the pulpit, before the Presbytery can adopt a resolution to translate.

The same rules of procedure are followed in the admission and settlement of ministers of chapels of ease, in so far as they admit of being applied. If the minister of a chapel in one Presbytery is appointed to a charge within the bounds of another Presbytery, intimation must be given by the latter to the Presbytery within which the chapel is situated, of the steps taken by them, in order to the settlement, and acknowledgment made of such intimation being received.

The Act of Ordination is once for all. It is not repeated in the case of a translation; but the translated minister is required to answer again, in the face of the congregation, the questions addressed to him at ordination. Ordination, except to a particular parish or charge, is discouraged by the Church (Act of Assembly, 1784); but probationers may be ordained, going as missionaries to foreign parts, provided they have a reasonable prospect of a maintenance becoming the position of ordained ministers of the Church.

Arrangements in the case of a Minister's Insanity.

Considerable uncertainty prevailed for a time regarding the powers which the Church possessed when the minister of a parish became insane, and unable to discharge his duties. That uncertainty, however, was removed by the Statute 26 & 27 Vict. c. 47. When the insanity has been established to the satisfaction of a Presbytery by a certificate under the hand of the sheriff of the county, the Presbytery has right to appoint a qualified assistant to perform the duties of the charge until the minister is able to resume the same, or until the parish shall be declared vacant; and, at the same time, to fix the allowance to be made to the assistant out of the stipend, at a sum not exceeding one-half of the income of the benefice. Under the statute, the friends of the minister are entitled, in the first instance, to make the necessary arrangements for the discharge of the duties of the parish; and if these arrangements are satisfactory to the Presbytery, who have right to judge of their sufficiency, the appointment is generally carried through in that manner.

Resignation of Ministers.

A minister cannot competently resign his charge until the parishioners are cited for their interest from the pulpit, in the usual manner, and have an opportunity of stating objections, if they think proper. Without this precaution a minister might evade the discipline of the Church to which he had become liable.

The omission to cite the parishioners has been held by the Assembly in several cases to render the resignation of no avail.

HISTORICAL SUMMARY.

Admission of Ministers.

The Church of Scotland has always attached importance to the "Admission of Ministers," which from the first was appointed to take place in open audience, and with appropriate religious ceremony. But it has never laid down any doctrine of ordination, or conceived of the clergy as invested with a distinct order of divine gifts, in virtue of any special ceremony of admission. The word "clergy," according to Dr Cook (Styles, 4th ed., p. 279), "is unpresbyterian. The doctrine of the Church of Scotland is, that ministers, as such, do not form a separate order in the State." And he quotes, with approval, the following statements from James Melville, who may be said to represent the Church in the sixteenth century, and George Gillespie, who represents it in the seventeenth century,—its Puritan period,—when the position of its ministers was certainly not underrated. Speaking of Adamson (Archbishop), James Melville says: "He distinguishes between the clergy and the laicks. This smelleth of Papistry and arrogancy of the shavelings." "The distinction of clergy and laity," says G. Gillespie, "is Popish and unchristian." The First Book of Discipline, it is well known, disused the ceremony of

laying on of hands; which, however, was appropriately revived in the Second Book of Discipline. The Form of Church Government—which was agreed upon by the Assembly of Divines at Westminster—was approved by an Act of General Assembly, 1645, but was not, any more than the ‘Directory of Public Worship,’ adopted as a standard of the Church at the Revolution, and has, therefore, no constitutional authority in the Church. It teaches that “ordination is the solemn setting apart of a person to some public office in the Church”; that “every minister is to be ordained by imposition of hands and prayer, with fasting”; further, that “ordination is the act of a Presbytery”; and that “preaching presbyters orderly associated are those to whom the imposition of hands doth appertain.” These statements are entitled to respect; but they do not constitute any doctrine or law of the Church, which only requires that every probationer, before becoming a minister of the Church, be duly elected, found duly qualified by examination, and then solemnly set apart, by prayer and the laying on of the hands, to the work of the holy ministry.

The first distinct notice to be found in the Acts of Assembly relating to the mode of settling ministers in vacant charges occurs in a ‘Directory,’ framed of this date (August 4, 1649), by the Assembly for that purpose. According to its terms, when a vacancy occurred it was incumbent on the Presbytery of the bounds to send one of their number to preach to the congregation, and to represent to them the necessity of providing the parish with a qualified pastor—that the Presbytery would

send preachers to them, in order that they might hear them,—and that if they desired to hear others, the Presbytery would endeavour to procure for them a hearing of such persons. After an opportunity had been afforded to the congregation of hearing preachers, it was the duty of the Presbytery again to appoint one of their number to visit the vacant congregation, on a day fixed for the purpose; and, after sermon, the minister was directed to intimate that the congregation must then proceed to the election of a pastor. On intimation being thus made, the kirk-session held a meeting, at which the minister who preached acted as moderator, and a pastor was chosen. If, on the selection being intimated to the congregation, the people acquiesced in the choice of the session, the matter was reported to the Presbytery, who then proceeded with the trials of the person selected. If he was found qualified, he was admitted to the ministry of the congregation. If it happened, however, that the major part of the people dissented from the nomination by the session, the matter was submitted to the Presbytery, who were to judge of the same. If they found that the dissents were not founded on causeless prejudice, a new election was ordered; but if a minority only dissented, without verifying relevant objections, the Presbytery proceeded with the settlement. Thus, at that early period, the Church fully recognised the right of the majority of a congregation to control the settlement of a minister.

Patronage was restored of this date (1661-62), and continued to be exercised till this other date (1690),

when the Confession of Faith was ratified, the Presbyterian form of Church government established, and patronage abolished. It was then enacted, that in all vacancies the heritors and elders should nominate a person for the approval of the congregation, and that if the congregation disapproved of the nominee, they were to give in their reasons of disapproval to the Presbytery, by whom the matter was to be finally determined. Subsequently, of this date (1695), an Act of Parliament was passed by which it was declared, that if any persons should intrude themselves into any church, or should exercise any part of the ministerial function within any parish, without an orderly call from the heritors and eldership, and legal admission from the Presbytery of the bounds, they should be removed, and declared incapable for the space mentioned in the Act. The Statute of 1690 was ratified and confirmed of this date (1702); and the abolition of patronage formed an express condition in the constitution of the Church, and was afterwards specially recognised in the Treaty of Union between the two kingdoms.

Nevertheless, by an Act which was passed in the 10th year of Queen Anne, and which came into operation of this date (May 1, 1712), the Statute of 1690 was repealed and patronage re-established. For upwards of seventy years thereafter, the Assembly annually instructed the Commission to address the Crown and Parliament to rescind the Act of Queen Anne: that annual instruction ultimately, in 1784, ceased to be given, but there were those in the coun-

try who continued to remonstrate against what they regarded as a violation of the Church's constitution, and an infringement of a privilege which had been long enjoyed by her people. At the same time, while patrons had the right to present a minister or preacher to a vacant benefice, the Church always claimed and exercised the exclusive right to judge of the qualifications of the person so presented, which so far operated as a check on unsuitable appointments.

The feeling against patronage, which had for a time entirely died away in the Church, strongly increased in the course of the present century; and with the view of placing the election of ministers on a more popular and satisfactory footing, but under a misapprehension of its powers, the Assembly, of this date (May 31, 1834), passed what was termed the Veto Act, whereby, on the narrative that it was a fundamental law of the Church that no pastor should be intruded on any congregation contrary to the will of the people, and in order that that principle might be carried into full effect, it was enacted, that if at the moderating in a call to a vacant pastoral charge, the major part of the male heads of families, members of the vacant congregation, and in full communion with the Church, should disapprove of the person in whose favour the call was proposed to be moderated in, such disapproval should be deemed sufficient ground for the Presbytery rejecting such person, and that he should be rejected accordingly. At that time there were two distinct parties in the Church: one who desired merely that the people should have a

voice in the selection of a minister to supply a vacant charge; and another who insisted, in addition, on what was termed "spiritual independence," or the entire exclusion of the civil authority in things spiritual, without reference to the civil statutes of the Church's establishment.

The operation of the Veto Act gave rise to various questions in the civil courts; but of this date (1842), it was finally decided by the House of Lords that the Act was illegal, and that the Church had exceeded her powers in passing it. In the following year (1843), the party who contended for "spiritual independence" refused to submit to the judgment of the House of Lords; and on the 19th of May, at the time and place appointed for the meeting of the General Assembly, but before the Assembly was fully constituted, withdrew and formed themselves and those who adhered to them into a body calling itself "The Free Church of Scotland."

Within little more than two months after the Free Church had been formed, and of this date (August 17, 1843), the Legislature passed an Act, the 6th & 7th Vict. cap. 61, intituled "An Act to remove doubts respecting the Admission of Ministers to Benefices in that part of the United Kingdom called Scotland," in which the rights of the Church as respects collation, or the power to judge of the qualifications of a presentee, are expressed with greater clearness and exactness than in any previous Statute, and in which directions are also given for the guidance of Presbyteries on receiving presentations. Under that Act,

the right of the congregation to a voice in the settlement of a minister was fully recognised, but instead of mere disapproval by the major part of the male heads of families, members of the congregation, and in full communion with the Church, being sufficient, specific objections required to be stated, after the presentee had preached before the congregation, against his ministerial gifts and qualities, either in general or with reference to the particular parish; and reasons might also be stated against his settlement in the parish. The right to object was not limited to male heads of families, but was extended to parishioners, being members of the congregation. These objections and reasons were appointed to be taken down by, or given in, in writing, to the Presbytery; and in so far as they were found relevant, a proof was allowed to the objectors, and also to the presentee. It was the province of the Presbytery to determine whether the objections had, or had not, been proved; and according to such finding, either to proceed with the settlement of the presentee, or to reject him as unsuitable to the parish, subject always to the judgment of the higher Church Courts on appeal. The settlement of ministers was regulated by this Act, and certain regulations were framed by the Assembly for carrying it out, until matters were placed on a different footing by the Abolition of Patronage Act of 1874, the details of which have already been referred to.

3.—JUDICIAL PROCEDURE BY A PRESBYTERY

in its Ecclesiastical capacity.

Libel.

Its Form.—A libel is the writ by which a person who is alleged to have been guilty of an ecclesiastical offence is brought into court to answer to the charge. The writ is divisible into three parts. The first, or major proposition, contains a statement of the criminality of the acts charged, and an averment that the person accused has been guilty of these acts. The second part, which is termed the minor proposition, contains a specific detail of the acts, the criminality of which is alleged in the first; and in the third part the conclusion is deduced, that in the event of the acts charged being admitted, or proved, the accused person ought to be punished according to the law and discipline of the Church.

When the major proposition contains alternative charges, the minor must also be in an alternative form.

Separate charges may competently be introduced into a libel, but each charge must be distinctly specified. When aggravations of the offence are libelled, they should follow the general statement in the major proposition.

Processes against Ministers.—All processes against a minister must begin at the Presbytery to which he

belongs. They cannot be instituted before his kirk-session. A formal process can only be conducted by libel; and no libel should be entertained or served by a Presbytery before brotherly inquiry has been made, and the accused minister dealt with in private. A libel may be at the instance of one or more parishioners, or of the Presbytery of the bounds. It is not necessary that persons should be in communion with the Church to give validity to their title to libel.

When a libel is at the instance of parishioners, it must be signed by them, but by males only, who are of full age. When it is at the instance of a Presbytery, it is subscribed by the moderator and clerk, in name and by appointment of the Presbytery.

A full copy of the libel, with a list of witnesses, and articles intended to be founded on, annexed, must be served on the person accused, in terms of a warrant granted by the Presbytery, subscribed by the moderator and clerk, and indorsed on the libel. Answers are lodged within a specified time, accompanied with a list of witnesses to be adduced in proof of the defence.

Procedure in Court.—At the meeting of the Presbytery after the *induciæ* has expired, the first duty of the Presbytery is to determine whether or not the libel is relevant. When its relevancy is sustained, the accused is dealt with by the Presbytery with a view to confession; but if he deny the charge or charges brought against him, a proof is allowed to both parties—witnesses are examined, and the case is proceeded with and prepared for judgment. With the exception

of cases which involve questions as to errors in doctrine, appeals relating to relevancy do not stop the proceedings.

The rules of evidence are now so well understood in Church courts, that any specification of them here is regarded as unnecessary.

After the proof has been completed, and parties have been heard, the Presbytery pronounce judgment, which is subject to the review of the higher Church courts.

Position of Minister pending the Proceedings.

A peculiar feature was introduced by the Statute 26 and 27 Vict. c. 47 into the proceedings in the case of a minister under libel. When a libel charging the minister of a parish with immoral conduct or error in doctrine has been found relevant, and a proof allowed, the Presbytery have power under that statute to require and enjoin the minister to abstain from the exercise of his ministerial duties, and that requirement subsists, and the case goes on, until any appeal which may have been taken is finally disposed of.

The statute just referred to also provides, that in causes depending before a Presbytery, or other superior Church court, where a proof has been allowed, it shall be competent to the court to appoint an advocate, or law agent of three years' standing, to sit with the court, for the purpose of dictating the evidence of the witnesses.

Dissents and Complaints, and Appeals from Kirk-Session.

A member who considers a judgment of a Kirk-Session to be erroneous, is entitled to bring it under the review of the Presbytery of the bounds, by dissent and complaint. A party to the proceedings before the Session in which the judgment has been pronounced has the same privilege, but his mode of review is by appeal. It is the duty of the Presbytery to dispose of such complaints and appeals in the first instance; but their decision may be submitted to the Synod, and afterwards to the Assembly.

Examination by Presbytery of Kirk-Session Records and Communion Rolls.

These must be submitted to, and carefully examined and authenticated by, the Presbytery, once a-year.

Presbytery's Civil Capacity.

Churches, Manses, and Glebes.

In addition to their ecclesiastical jurisdiction, Presbyteries possess a civil jurisdiction in reference to churches, manses, and glebes. Their judgments, in such cases, are final so far as regards the higher Church Courts, but may be brought under the review of the sheriff, and afterwards of the Lord Ordinary in teind causes.

Churches.

Rebuilding.—When it becomes necessary to rebuild a church, an application by petition is made to the Presbytery of the bounds, which may be at the instance of heritors, or of the minister of the parish, or of both, when they are agreed on the necessity of the measure. On considering the application, the Presbytery appoint a committee of their number to visit and inspect the church on a specified day, direct intimation of the application and of the time fixed for the visitation to be made from the pulpit, on the church doors, and by letter to heritors who may be absent, or to their known agents, ten days at least before the day fixed for the visitation. Power is at the same time given to the committee to obtain the assistance of tradesmen, to require them to report on oath as to the condition of the church, whether it is ruinous and unfit for use, or whether it admits of being repaired and rendered sufficient for the parishioners in attending divine worship, specifying the difference of cost between repairing and rebuilding the church.

Assuming the tradesmen to report, for the information of the committee, that the church is in a ruinous condition, and incapable of being repaired, the committee will report accordingly. On resuming consideration of the application, with the reports, the Presbytery pronounce a deliverance, ordaining the church to be taken down, and a new one to be built, capable of affording accommodation for two-thirds of the examinable persons within the parish, in con-

formity with such plan as may be sanctioned by the Presbytery, and appointing the petitioners to produce plans, specifications, and estimates for rebuilding the church, and to submit the same to the Presbytery for consideration, at a meeting to be held on a specified day.

When plans, specifications, and estimates have been procured and considered, the Presbytery pronounce a decree approving thereof, and authorising contracts to be entered into with the tradesmen, whose estimates for the different departments of the work have been accepted. A remit is at the same time made to the Clerk of Presbytery, to prepare a scheme of division of the expense of the church among the heritors of the parish, assessing each in his share thereof, in proportion to the valued rent of his property.

On the scheme of division being prepared and approved of, the Presbytery pronounce decree assessing the heritors accordingly, and appointing a person to collect and administer the assessment, on his finding caution for his intromissions therewith.

Repairing.—When, under an application for repairs, the committee of Presbytery reports, on the authority of tradesmen, that the church admits of being repaired and rendered suitable for the accommodation of the parishioners, the same course of procedure is followed as when a church is to be rebuilt, in the way of obtaining specifications and estimates, entering into contracts, assessing the heritors in the expense of the repairs according to their valued rents, and in appointing a person to collect and administer the assessment.

Addition.—When it becomes necessary to provide more accommodation for the parishioners, by an addition to the church, the procedure is substantially the same as that which has first been indicated.

Change of Site of Church.—If a church has been reported to be in a ruinous condition, and a new one requires to be built, it is sometimes expedient to change the site for the convenience of the parishioners and other causes. In such a case the application to the Presbytery will include the rebuilding as well as the desired change of site, and the committee will report as to both points.

Procedure after Church has been rebuilt or repaired.—After a church has been built, or the authorised repairs on, or the addition to, an existing church have been completed, it is necessary that the Presbytery should be satisfied that the work has been properly executed, and the assessment on the heritors duly expended, and that all parties concerned should be exonerated. With that view, a petition is presented to the Presbytery by the original petitioners, and by the contractors and collector, under which a remit is made to a committee of Presbytery to visit and inspect the church, to obtain a report from tradesmen whether the work has been executed agreeably to the plan, specifications, and contracts, to examine the accounts of the collector of the assessment, to see that they are properly stated and duly vouched, and to report.

If the report of the committee is satisfactory, the Presbytery pronounce a finding to the effect that the work has been properly and sufficiently executed, that

the church as built, repaired, or extended, is suitable for the parish, authorising the collector to make payment to the contractors of the last instalment of the contract price, approving of the report on the collector's accounts, and on production of receipts for said instalment, exonerating and discharging the collector of his intromissions, and authorising the clerk to deliver up his bond of caution.

Acts were passed, in the 4th and 5th year of George IV., to facilitate the building of additional places of worship in the Highlands and Islands, and laying certain obligations on those concerned in the building of the said churches, known as Parliamentary churches, and on their heirs and successors; but practically these obligations have been nugatory, except where parties have voluntarily agreed to undertake them.

Manse and Offices.

Size of Site.—Half an acre of ground is allowed for the site of a manse, offices (which include stable, barn, and byre), garden, and garden-wall.

Heritors liable in Cost.—Every minister of a landward parish, or of one partly landward and partly burghal, is in law entitled to have a sufficient manse, offices, and garden, designed and set apart for his use, and that of his successors in office. The burden of the erection is laid on the heritors of the parish; but lands which have been annexed to another parish *quoad sacra* are not liable in any portion of the expense, either of building or of repairing a manse.

In recent years, particularly, considerable care has been exercised in selecting for the manse and offices a portion of ground in a healthy situation, and, at the same time, in a position convenient to the church.

The proceedings with a view to the designation of a site, and the erection of a manse and other buildings thereon, are instituted by the minister of the parish, and are conducted under the authority of the Presbytery of the bounds.

Repairs.—When a manse, offices, or garden-wall have become decayed, and require to be repaired, an application must, in like manner, be made by the minister to the Presbytery. The proceedings, both in building and in repairing manses and offices, are in point of form, so far as circumstances permit, similar to those adopted when a church is to be built. An incumbent is not entitled to ask additions to be made to a manse when it is in a proper condition of repair, in order simply to afford him better accommodation; but when repairs of material importance become necessary, such additions are usually authorised to be made as are actually required.

Inspection at Settlement.—A minister is entitled at his settlement in a parish to have the manse and offices inspected and reported on before the burden of upholding the same during his incumbency is imposed on him. After a manse and offices have been properly repaired, it is usual for the heritors to apply to the Presbytery to have the same declared “free,” by which the burden of ordinary repairs is laid on the minister during his incumbency; but he is not liable

for such as occur from natural decay, by lapse of time, or from accident. It is not sufficient for the Presbytery to find that the manse affords the requisite accommodation—the word “free” must be used in the decree, in order to transfer the obligation from the heritors to the incumbent.

Selection of better Site for Manse.—When a manse, which has become unfit for occupation, is situated in an unhealthy or inconvenient position, the Presbytery is entitled, in authorising a new one to be built, to select a better site for it within the glebe. The Court in general authorises £1000 sterling to be expended for that purpose.

Exceptions as to Manses.—Ministers of parishes within royal burghs which have no landward district attached to such parishes have no claim to manses.

Glebe.

Extent.—All ministers of landward parishes are entitled not only to a manse, but to a glebe of arable land of not less than four acres, situated as near as possible to the manse. Their rights in this respect are regulated by the Statutes 1502, c. 118; 1563, c. 72; 1572, c. 48; 1593, c. 165; 1594, c. 202; 1606, c. 7; and 1663, c. 21.

Substitute for Arable Glebe.—If an arable glebe cannot be obtained, a minister has right, under the Statute of 1606, c. 7, to four souns of grass in place of each acre of arable land—a soum being as much land, in grass, as is sufficient to pasture one cow, or ten sheep.

Grass of Church Lands.—Every minister, excepting those in royal burghs, is entitled, by the Act of 1663, c. 21, to have grass for one horse and two cows out of church lands, in addition to the glebe; but if there be no such lands situated near to the manse, or if the same be arable, then, in either of these cases, the heritors are liable in payment to the minister yearly of a sum of £20 Scots in lieu of such grass—the heritors being entitled to relief of other burdens on church lands in the parish.

Surface of Glebe.—A minister, during his incumbency, has right to the unrestricted management of the surface of the glebe. It has been found by the Court that he may cut down trees thereon; but his powers as regards things under the surface are limited, and can be exercised only under certain qualifications. He may, for instance, work coal or marl at the sight of the heritors and Presbytery; but is bound to place such profits as may arise from his operations under the control of these parties, for behoof of the benefice, and to restore the surface of the ground to the condition in which it was before the workings were commenced.

Excambion.—A manse and glebe may be excambied under the authority of the Presbytery.

Stay of Judgments of Presbyteries by Petition to Sheriff.—As already mentioned, the judgments of Presbyteries in relation to the erection and repair of churches and manses, and the designation of glebes, are not subject to the review of the Synod or Assembly, but they might formerly be competently brought under

the review of the Court of Session by suspension or advocacy. The mode of procedure, however, was changed by the Statute 31 and 32 Vict. c. 96, which provides that if, in the course of any proceedings before a Presbytery, relating to the building, rebuilding, repairing, adding to, or other alterations of churches or manses, or to the designing or excambing of glebes, or additions to glebes, or to the designing or excambing of sites for, or additions to churchyards, and the suitable maintenance thereof, any heritor or the minister of the parish should be dissatisfied with any order, finding, judgment, interlocutor, or decree pronounced by the Presbytery, he may stay such proceedings by presenting a summary petition to the sheriff of the county in which the parish is situated, praying him to stay the proceedings before the Presbytery, and to dispose of the cause himself. The appeal must be taken and intimated to the clerk of Presbytery within twenty days from the date of the finding or judgment complained of.

The latitude here allowed to any heritor or the minister of the parish of a right to appeal to the sheriff is very broad, and may be exercised at any stage of the proceedings before the Presbytery when an order or finding or other interlocutor is pronounced.

Appeal to Lord Ordinary in Teind Cases.—Any party to the proceedings who may be dissatisfied with the judgment of the sheriff may bring the same under review by a note of appeal, written at the end or on the margin of the finding or judgment complained of, in the following terms:—"The petitioner

(or respondent) appeals to the Lord Ordinary in teind causes." The appeal must be signed by the appellant or his agent, and bear the date on which it is signed. It must also be taken within twenty days from the date of the finding or judgment complained of, and has the effect of submitting to the review of the Lord Ordinary the whole interlocutors of the sheriff, in so far as the same have not become final, by reason of an appeal not having been taken within twenty days after they were pronounced.

The details of the procedure before the sheriff and the Lord Ordinary in teind causes are fully stated in the Act to which reference is made.

HISTORICAL SUMMARY.

Churches, Manses, Glebes.

The civil jurisdiction which Presbyteries possess in relation to churches, manses, and glebes, was by legislative enactment enjoyed by the Episcopal clergy, but devolved on Presbyteries on the abolition of Prelacy.

The manses of ministers, upwards of two centuries ago, were of a very different character from those of the present day. By the Act of 1663, the highest sum which was allowed for the erection of a manse was £1000 Scots, which is equivalent to £83, 6s. 8d. sterling. No doubt the cost of labour and material, and the style and expense of living, were very different then from what they are at the present day; but

still the sum of £1000, which is now generally allowed for the erection of a manse, stands in striking contrast to the amount which at one time was regarded as sufficient.

A good deal of confusion seems at one time to have prevailed in reference to glebes—ministers having, in many instances, become possessed of more glebes than one. The Assembly, therefore, found it necessary, on 28th May 1762, to enjoin the several Presbyteries of the Church to take an exact account, among other things, of the extent of the glebe and grass belonging to every minister within their bounds, and to record the same in the Presbytery books for the twofold purpose, that every succeeding incumbent might see what he was entitled to, and that Presbyteries might be better able to check such dilapidations as might be attempted. This injunction, however, does not appear to have been very carefully observed, for on 28th May 1802, the Assembly enjoined the Synods of the Church to take care that Presbyteries strictly obeyed the Act of 1762, particularly respecting the extent and number of glebes.

IV.—SYNOD.

ITS COMPOSITION.

A PROVINCIAL Synod consists of the members of a certain number of Presbyteries, within a given boundary, fixed by the General Assembly. Adjoining Synods correspond with each other—that is, each has the privilege to send a minister and an elder, and in some cases two ministers and an elder, to the meetings of the other. There are sixteen Synods in Scotland, comprehending, at present, eighty-four Presbyteries.

ITS POWERS.

A Synod may properly be regarded as a court established, mainly for the purpose of reviewing the judgments of Presbyteries, as brought up for consideration, in the form of dissents and complaints, appeals, or otherwise. It has right to exercise a general superintendence over Presbyteries, to the effect of ascertaining that their proceedings are in conformity with the laws of the Church, as well as with any special requirements of the General Assembly. It has no power to legislate, but may originate and transmit overtures to the Assembly.

MEETINGS AND ORDINARY BUSINESS.

Provincial Synods, in general, meet twice a-year, usually in the months of April and October; but those of Argyll, Orkney, Shetland, and a few others, meet only once, and chiefly in summer.

Prior to the opening of the Synod, there is a diet of public

worship, conducted by the Moderator, who at the close of the service intimates that the Synod will now meet for business. The Synod is constituted by prayer. The roll of the Synod is then called, and the changes since last meeting are duly noted. Elders representing kirk-sessions and correspondents of neighbouring Synods have their names successively added to the roll, on their producing the necessary commissions. When the roll is thus completed, a new moderator is elected, and the minutes of the last meeting are read. The minutes having been approved and attested, the Synod usually proceeds with the ordinary business. The records and separate registers of the several Presbyteries are called for, and committees are appointed for the examination of such as are given in; while the reports of such committees, if any, as may have been appointed at the previous meeting are received, and the judgment of the Synod on the several reports is recorded. Applications for authority to take students on public trials for licence are intimated at this diet (see page 49, *Notice to the Synod*), and the various extracts having been read, are ordered to lie on the table till a subsequent diet.

A committee for overtures, at which the Moderator and Clerk act *ex officio*, and another committee for bills, references, and appeals, which chooses its own moderator and clerk, are appointed to meet in the interval between the diets, as every Synod must have at least two meetings for the despatch of business. Before adjournment, public intimation is made of the time at which the next diet will begin. The sederunt is closed with prayer.

The respective committees for overtures and bills, &c., having met and been constituted, parties desiring to approach them do so by petition, and present all extracts and relative documents which they deem it necessary to bring under the notice of the Synod. These papers are examined, and if found to be in proper form, are authorised to be transmitted, for which purpose they are lodged with the Clerk. In the case of refusal to transmit, an appeal to the Synod is competent.

At the second diet, the Synod having been constituted by prayer, the minutes of the former meeting are read for approval. The extracts relative to students of divinity are considered, and particular inquiry is made whether any member of court has any objection to state. In the absence

of any such objection, and the certificates, Presbyterial report, and all the relative circumstances having been found in due order, leave is given to their respective Presbyteries to admit the students on public trials for licence.

It is usual at this diet to call on the correspondents to other Synods appointed at last meeting to report diligence; and correspondents to these Synods are again appointed.

The report of the committee for overtures being called for, the overtures transmitted, if any, are then taken up. Some member of Synod is heard in support of each overture dealt with, and usually closes with a motion, which, if seconded, is discussed by the Court, and adopted or rejected, as the case may be.

The report of the committee for bills is next called for, and the references, complaints, or appeals are severally heard and determined in a manner similar to the disposal of such causes in the Presbytery and General Assembly. A reference from an inferior Court is understood to bring up all parties in the case.

Members of Synod and parties in a cause have the right of appeal from the judgment of the Synod to the General Assembly. When overtures are transmitted to the General Assembly, or when an appeal is made against its judgment, it is usual for the Synod to appoint members to represent it in the Supreme Court, though in the case of supporting overtures such members are not understood to be at the bar of the Assembly.

Privy censures are now in abeyance, and need not be referred to in detail.

When the Synod's business is finished, a committee is appointed to revise the minutes of the Synod, and the scroll minutes are signed by the Moderator and Clerk immediately after their revision, as also are the minutes when engrossed in the record. The Synod-books are revised yearly by the General Assembly.

Before the Synod adjourns, public intimation is made of the time and place of its next meeting, and the sederunt is closed with prayer.

V.—GENERAL ASSEMBLY.

ITS COMPOSITION.

THE General Assembly, the Supreme Court of the Church, meets annually on the first Thursday after the 15th of May. The bodies represented, and the number of representatives constituting the Assembly at present, are as under :—

Presbyteries are represented by 375 members.

Royal Burghs	„	69	„
Universities	„	4	„

In all, . . . 448

COMMISSIONERS TO THE GENERAL ASSEMBLY.

From Presbyteries.

Time of Election.—By Act of Assembly of this date (May 31, 1877), it is competent to elect commissioners at any time during the two months preceding the first day of the month in which the Assembly meets—that is to say, the election may competently take place

at any time during the months of March or April annually, so long at least as the Assembly continues, as at present, to meet in May. The following regulations fall, by the Act, to be observed in elections by Presbyteries :—

Ministers must be designated by the parish in which they are settled,—a requirement which applies to the original as well as in an after election.

Ten free days must intervene between the resolution to elect a commissioner and the day of election. As already mentioned, the election must take place within two calendar months preceding the month in which the Assembly is appointed to meet; but an after-election may take place at any time before the meeting of the Assembly on the resignation or death of the person originally elected. If the after-election takes place posterior to the attestation of the commission, the after-election must be separately attested. The competency of an after-election is limited by the Act to the case of resignation by the commissioner originally elected.

Printed forms of commissions, and attestations for elders, should be always used.

Number of Representatives of Presbyteries.—In the election by Presbyteries of members of Assembly, a rule has long prevailed that the number of representatives should bear as close a relation as possible to the number of ministerial charges in each Presbytery; and accordingly, in the most recent Act on the subject, which was passed by the Assembly of this date (June 2, 1879), it is declared, that in future

every Presbytery, the ministerial charges in which shall exceed seventy-eight, shall send fourteen ministers and seven ruling elders to the Assembly. When a principal or professor of divinity in a university is entitled, in virtue of his office, to a seat in a Presbytery, the office of such principal or professor shall be held, as respects the number of representatives to be elected by a Presbytery, to be equivalent to a ministerial charge.

From Royal Burghs and Universities.

Each of these bodies is represented in the Assembly by one commissioner, excepting the City of Edinburgh, which sends two commissioners. In the event of a majority of a town council of a burgh refusing to join in the election of a commissioner to the General Assembly, it is held to be competent and lawful for a minority to proceed to such election, the duty being statutory, and not to be defeated by the will of a temporary majority. The resolution to elect, and the time of election, are the same in these bodies as in Presbyteries. The form of commissions is also substantially the same. Commissions, however, from burghs and universities require to be attested by the Presbytery of the bounds, and commissions from burghs by the kirk-session also.

COMMISSIONS.

The Agent of the Church is appointed to furnish Presbytery Clerks with printed copies of the form of commission in use, and of the certificates in favour of Ruling Elders, as required by Act of Assembly 1839, c. 12.

There must be attached to commissions by Presbyteries a statement certified by the Presbytery Clerk, of the number of charges in each Presbytery at the date of the commission, and of any changes that have taken place during the previous year, with a list of the names and addresses of the Probationers within the bounds.

TRANSMISSION OF COMMISSIONS.

Commissions ought to be transmitted to the Agent of the Church, so as to be in his hands at least ten days before the day fixed for the meeting of Assembly.

COMMITTEE FOR EXAMINATION OF COMMISSIONS.

The Agent must, on a day not later than four days previous to the first day on which the Assembly meets, submit all commissions transmitted to him to the Procurator and Clerks of the Assembly, who, along with the Agent, constitute a Standing Committee, of which the Agent is convener, for examination. The Committee are appointed to prepare, and have printed, a list of Commissioners, and, through the convener,

to submit it at the first diet of Assembly, and report how far the commissions appear to be regular, and according to law and practice, and whether any are, in these respects, defective.

Commissions which are reported to be defective, or are objected to by any person having interest, or by a member of Assembly, are remitted by the Assembly to a Committee of nine of its members, of whom three constitute a quorum. The Committee report to the first diet of Assembly after the date of their appointment.

Commissions which have not been transmitted within the specified time, may competently be lodged with the Agent during the sitting of the Assembly, and are submitted by him to the House on the day following that on which they are lodged, and are then disposed of.

The Committee on disputed Commissions, if called on, or if it appear to them to be necessary, hear the person whose commission is objected to, by himself, or by his counsel or agent, in support of the commission, and also any person or persons who may object to the commission.

MEETING OF ASSEMBLY AND PRELIMINARY BUSINESS.

After divine service, which is conducted by the Moderator of the previous year, the commissioners meet in the Assembly Hall, when the Assembly is constituted. A roll of the names of all ministers and elders, whose commissions have been transmitted to

the Agent prior to the meeting of Assembly, and found correct, is submitted by him to the House, and read, if required. One of the ministers on the roll is then chosen as Moderator, after which the Lord High Commissioner, as representing her Majesty, produces his commission, which is read, and appointed to be recorded. Her Majesty's letter is next read, and a committee is appointed to prepare an address in answer. The Lord High Commissioner then addresses the Assembly, and the Moderator, in its name, replies.

The report of the Agent's Committee on Commissions is then called for, read, and disposed of.

APPOINTMENT OF COMMITTEES.

The several Committees after-mentioned are next appointed, viz. :—

On Disputed Commissions.

„ Overtures.

„ Bills.

For Arranging the Order of Business.

„ Revising the Record of the Commission, and Synod Books.

„ Nominating members to serve on Special Committees, and Committees appointed to report during the Assembly.

When there is a vacancy in any of the offices of the ordinary office-bearers of the Assembly, such steps as to the Assembly may appear proper are then taken for supplying the vacancy.

MEETINGS OF COMMITTEES.

The Committees of Assembly are directed to hold their first meetings at the times and places specified in the minute of their appointment. The Committees on Bills and Overtures are respectively required to make a report to the Assembly at its diet next following that at which the Committees were appointed, and thereafter, at such times as may be necessary. The Committee for arranging the business of the Assembly report from time to time, as may be necessary; and the Committee for revising the Record of the Commission report to the Assembly before its close, and as soon as may be convenient. The Committee whose duty it is to nominate to the Assembly suitable persons to serve on Committees, consists of the Moderator, Clerks, Agent, Convener of Business Committee, and five members chosen by the Assembly.

The nature of the duties which devolve on the Committees seem generally to be sufficiently indicated by their titles; but it may be proper to explain shortly the business with which certain of the Committees are concerned.

COMMITTEE ON OVERTURES.

Overtures, or proposals, are very varied in character. They may relate to the enactment of a new law; to the rescinding, in whole or in part, of an existing one; to the necessity of declaring what the law of the Church is in any matter, when doubts exist regarding its meaning; and may, in short, em-

brace the doing or undoing of anything within the competency of the Assembly.

Legislative Acts must in the first instance be proposed in the form of overtures. When an overture is passed by the Assembly, and with a view to prevent hasty legislation, it is transmitted, in terms of the Barrier Act, 1697, to all the Presbyteries of the Church for consideration, and with instructions to report their opinions thereon to the Assembly of the following year. When a majority of Presbyteries approve of an overture as it stands, it may be passed into a standing law by the next Assembly. An overture, however, may, when passed, be converted into an interim Act, should the Assembly consider that its immediate adoption is called for, and would prove beneficial to the interests of the Church. At the same time, no overture can be so dealt with, which involves an essential alteration of the law and practice of the Church existing at the time.

PRESENTATION OF OVERTURES.

From Synods and Presbyteries.

Those from Presbyteries must be presented to the Committee by the commissioners from the Presbytery, and those from Synods by the commissioners from a Presbytery within the bounds of the Synod. No overture can be transmitted to the Assembly if not so presented.

By individual Members of Assembly.

Such overtures must be presented by the persons promoting them. If not so presented, they cannot be transmitted.

COMMITTEE ON BILLS.

Business.

All appeals, dissents and complaints, references, petitions, and applications, to be submitted to the consideration of the Assembly, must be passed through this Committee by petition, which must contain a specification of the cause or matter, and the relative documents, which the petitioner desires to have transmitted to the Assembly.

Appeals and Complaints.

Productions, with Petition.—Along with the petition for the transmission of appeals, or of dissents and complaints against judgments of inferior courts, there must be produced—(1) an extract of the judgment complained of; (2) an extract, or certified copy, of the reasons of appeal, or of dissent and complaint; and (3) all documents, or certified copies thereof, forming part of the record in the inferior court.

Record.

The record in all cases is held to consist of (1) the minutes (or interlocutors) of the inferior

court; and (2) the evidence, if any, adduced in the cause. When there are more appeals, or dissents and complaints, than one in a cause, it is sufficient to refer to the record as produced, along with the petition relative to any other appeal, or dissent and complaint; but along with every petition for transmission, an extract of the judgment complained of must be produced. No documents not forming part of the record can be transmitted, with the exception of reasons of appeal, or of dissent and complaint, which must in all cases, when tendered, be transmitted along with the record.

REFERENCES.

Transmission of Record.

When a cause is referred by an inferior court to the Assembly, the clerk of such court must, as soon as possible after the reference has been made, transmit to the Agent of the Church the record in the cause, or a certified extract or copy thereof.

Productions, with Petition to Committee.

Along with the petition to the Committee to transmit a reference, there must be produced an extract of the minute of the inferior court, containing the reference. The petition must also refer to the record, or to an extract thereof, as having been transmitted to and being in the hands of the Agent of the Church.

The record will accordingly be produced by the Agent to the Committee.

Transmission by Committee.

Should the Committee agree to transmit the reference, they must transmit therewith the record in the cause.

ORIGINAL PETITIONS OR OTHER APPLICATIONS
TO THE ASSEMBLY.

Productions, with Petition.

Along with the petition for transmission there must be produced to the Committee—(1) a written copy of such petition, or other application, subscribed by the party, or by his counsel or agent; and (2) all documents referred to in the petition, or on which the petitioner intends to found, which are not already before the House.

REGULATIONS AS TO PRINTING.

Transmission of MS. to Agent.—All papers intended to be passed through the Committee on Bills, excepting those in which printing is dispensed with, should be transmitted in manuscript to the Agent of the Church not later than fourteen days before the meeting of Assembly, in order to be printed in sufficient numbers for the use of members of Assembly.

Printing and Expense.—All such papers shall be printed by the Agent, who, at the time of lodging, may require such deposit, or security, as he thinks necessary to meet the expense. The expense of printing in causes is borne by the complainer or appellant. When the Inferior Court refers a cause to the Assembly, without pronouncing judgment, the expense of printing is to be borne by the parties mutually. When papers have not been printed, or when a party liable for a share of the expense of printing shall not have paid the same before the time appointed for laying the papers on the table, such party so failing to print, or refusing to pay his share of the expense, is considered as having deserted the cause, and is not entitled to be heard. In all other causes—such as petitions, references not in causes, memorials, &c.—the expense is borne by the party having interest in the same, or desiring a deliverance by the Assembly.

Form of Print.—All papers must be printed in the octavo form, corresponding to pages of the volume of 'Proceedings.' The papers must be stitched together and paged, and provided with an alphabetical index. Each member is furnished with a copy along with his ticket.

Exceptions as to time of Transmission.—Whenever proceedings intended to come before the Assembly take place in Inferior Courts within fourteen days of the meeting of Assembly, copies of the proceedings, if an appeal be taken, should be transmitted to the Agent of the Church within forty-eight hours of the

time when the last judgment appealed against is pronounced.

Proceedings which, from unavoidable cause, do not reach the Agent in time to be printed for the opening of the Assembly, or which originate during its sittings, are printed and circulated as soon as possible thereafter.

Copies of Print.—When papers are printed for either of the parties in a cause, the Agent is bound, on application, to supply six copies of the print to the opposite party.

Option, in certain cases, as to Printing.—In causes arising out of trials for licence or ordination, relating to Church ordinances, or any matter not involving the interests of private parties, brought before the Assembly, by reference or by petition presented to the House by any minister or member of a Church Court, in the discharge of his public duty as such, it is optional to the Court making the reference, or to the person or persons insisting in the cause, either to print and lodge with the Agent copies of the proceedings, as in the case of appeals, or to lodge a written copy thereof, as provided for in regard to dissents and complaints.

Lodging and Printing Overtures.—Persons promoting overtures must lodge them in manuscript with the Agent ten days before the meeting of Assembly, and he shall cause them to be printed. In overtures relating to matters emerging during the meeting of Assembly, such overtures must be lodged with the Agent, and printed, at least two days before their discussion.

Copies of Print to be preserved.—It is the duty of the Clerk to preserve two copies of every print, with a copy of the judgment of the Assembly engrossed thereon, and to have the same bound up. One copy is appointed to be kept in the Records, and the other to be lodged in the Library.

Proof-sheets.—Proof-sheets of papers printed for the use of the Assembly are to be submitted, in proof for revisal, to the persons transmitting them. The manuscript, if it is the original document, shall be returned for the purpose of being transmitted through the proper Committee; but it is advisable to send simply copies to the printer, when convenient.

ORDER OF PLEADING.

In Appeals, and Dissents and Complaints.

Causes may be stated either by the parties or by their counsel.

One Appellant, or one Set of Appellants, &c.—When there is only one appellant, or one set of appellants and complainers, concurring in the same reasons, and one respondent, or one set of respondents, concurring in the same answers, the appellant or complainer states the case in the first instance; the respondent is next heard; the appellant or complainer is heard in reply; the respondent in duply—and in the event of his introducing into his second speech any new matter or argument, the appellant or complainer is entitled to be heard thereon. With that exception, no more than two speeches are allowed to each party at the bar.

More than one Appellant, or more than one Set, &c.—

When there are more than one appellant, or set of appellants and respondents, insisting in an appeal, or dissent and complaint, or supporting the judgment on different grounds, and in separate reasons and answers, each appellant or complainer is entitled to open and state his separate case, and each respondent to make his separate answer, and the debate is closed with a reply by the several appellants. Parties at the bar may, however, with consent of the House, arrange among themselves to limit the number of speeches.

In References.

Statement of the Reference.—A reference by an inferior court is stated by one of the commissioners of Presbytery, or by a commissioner from a Presbytery within the bounds of the Synod making the reference, in his place as a member of the House, or by a member of such Presbytery or Synod specially appointed for the purpose.

Hearing Parties.—After hearing the commissioner, or member so appointed, the Assembly, thereafter, hear the parties in such order as the shape of the case may seem to require.

In Review of Inferior Court Judgments.

Appearance by Member of Inferior Court.—Any such member may appear at the bar to support a judgment of his court; but he cannot be heard when com-

missioners have been specially appointed for that purpose, unless he can show a separate interest. The Assembly is entitled to limit the number of members of an inferior court to be heard in support of the judgment brought under review.

Position of Presbytery when its Judgment is affirmed by Synod.—The members of Presbytery, in such case, have no status as parties at the bar of the Assembly, excepting in the character of members of Synod.

Reversal by Synod of Presbytery's Judgment.—In such case, a Presbytery may appear and be heard at the bar as appellants, provided they comply with the regulation regarding cases brought under the review of the Assembly by appeal.

Reversal by Synod of Presbytery's Judgment on Dissent and Complaint.—When a Presbytery appeals against such reversal, the complainers in the dissent and complaint to the Synod may appear and be heard at the bar as respondents in the appeal for the Presbytery.

In Petitions and other Applications to the Assembly.

Order of hearing Parties.—The party promoting the application is heard in its support. If desired, the party on whom the application has been served may be heard in answer. The discussion is closed by a reply.

ORDER OF DEBATE IN THE HOUSE.

Putting the Question, and taking the Vote.

Motion.—Any member may make a motion, on any matter under the consideration of the Assembly ; but he must state its terms in writing, and lay the motion on the table. When a motion or amendment is duly seconded, and in possession of the House, it is not competent to withdraw it or make any alteration on it, without permission of the Assembly, except in the shape of an amendment, or a second or third motion, as the case may be.

Amendment.—When a motion has been made and seconded, any member may move an amendment, the terms of which must also be stated in writing.

Debate.—The amendment having been seconded, any member may be heard in support of the motion or amendment, and the debate is closed by a reply, if claimed.

Speeches.—Members must direct their speeches to the motion under discussion, or to a motion or amendment to be proposed by the speaker himself, or to a question of order.

Call to Order.—A speaker is not to be interrupted unless on a call to order ; whereupon he shall cease speaking until the point of order is decided. The member calling to order must state the grounds on which the call was made. No other member is entitled to be heard unless with the permission or at the request of the Moderator, with whom the decision rests.

Reply.—The member who makes the first motion has the privilege to reply, but must not introduce new matter. Thereafter the debate is held to be closed. No other member can speak twice on a question except in explanation, or by special permission.

Motions after the First.—All such motions are considered as amendments on the first, and are disposed of accordingly.

Two Motions.—When there are only two motions before the House, the question put to the vote is—first or second motion.

Three Motions.—In the case of three motions inconsistent with one another, the first vote is whether the second or third motion shall be put as an amendment against the first; and the second vote is whether the first motion, or amendment as fixed, shall be the judgment of the House. The Committee of Assembly has under consideration a proposal to alter this mode of voting.

More than three Motions.—When there are more than three motions inconsistent with one another, the first vote is whether the one last proposed shall be put as the amendment, and so on till only three remain, when the procedure prescribed in the preceding section shall be followed.

Amendments.—Amendments proposed to the original motion for adding words to it, or deleting words from it, not being inconsistent with the general tenor of the motion, are disposed of by the House before motions intended to come in place of or wholly to supersede the original motion, are put to the House. If such additions or deletions are accepted by the House,

the motion as so adjusted shall be deemed to be the first motion for the purposes above specified in a case of two or three motions.

Other Amendments.—Such as are not inconsistent with, or intended to supersede, the original motion, but have for their object to add words thereto, or to delete words therefrom, are dealt with by the House in the order in which they arise on the original motion.

Question as to Nature of Amendment.—When a point is raised as to the nature of amendment, it is the duty of the Moderator to determine whether it shall be dealt with as a separate motion or as an amendment, and his decision is final.

Appointment of Office-Bearers.—When the names of more persons than two are proposed and seconded, and not withdrawn, their names are simultaneously put to the vote. If, on the first vote, there is a clear majority for any one over all the others, he is declared to be duly elected. If no one has such a majority, the name of the person having the fewest votes is struck off. The vote is taken again, and so on until there is a clear majority for one, or only two names remain, when a final vote is taken between the two. The vote is taken by calling the Roll, by members standing up, or in such way as the Assembly may prescribe.

Proposal in Report of Committee.—A motion for approval of such proposal takes precedence of any counter motion or amendment.

Notice of Motion.—No such notice shall be printed by the Agent, or allowed precedence in discussion, which has been given in earlier than the first Wednes-

day of the Assembly's meeting, unless it relates to business which is to be taken up on the Wednesday or Thursday of the first week.

Division.—On this being called for, a minute is allowed to elapse in order that the reporters' seat may be closed, and persons who are not members may withdraw.

Mode of taking Vote.—Four tellers are appointed by the Moderator—two from the supporters of each of the motions to be voted on. The tellers take their places in pairs, one on each side, at the doors of the House, and count the members passing out at their respective doors.

When the tellers have taken their places, the Moderator directs the members to vote by leaving the House at separate doors. Those who are to support the first motion go out at the right hand, and those who are to support an amendment or second motion at the left hand, of the chair.

Alphabetical printed lists of members are prepared by the Agent, by whom clerks are appointed to mark at each door the votes of members, who, as they pass the door, give their names to the clerk.

As soon as the vote has been taken, the tellers report the state of it to one of the clerks, who writes it down and reads it to the House.

The report, as so read, is held as final and conclusive, and not subject to revision by scrutiny, or otherwise.

When members return to the House after a division, they are understood to have right to the seats which they previously occupied.

The House may determine that a vote may be taken by members standing up. In that case, those voting are counted by the clerks, and reported by them as above mentioned.

Dissent.—Any member present at the vote may enter his dissent immediately after the vote, and thereafter lodge his reasons of dissent. Any member present at the vote may adhere to the dissent, either when it is taken or at the next diet of Assembly thereafter. It is not competent to enter a dissent at any diet after that at which the resolution dissented from was passed.

RETURNS TO OVERTURES, DECLARATORY OR INTERIM ACTS, AND TRANSMITTED OVERTURES.

Returns to Overtures.—These must be made by Presbyteries to each overture on the printed schedules sent to Presbytery clerks for the purpose, and must be transmitted, as soon as possible, to the Agent, whose duty it is to submit them to the Standing Committee on Commissions (which also forms a Standing Committee for classifying such returns), for the purpose of being classified, and reported to the Assembly not later than the first Saturday of the sitting of the House. It is the duty of the Committee to report not only the number of Presbyteries for and against an overture, but also the number of members voting in the Presbyteries, as suggested in the printed schedule.

Declaratory or Interim Acts and Overtures.—The drafts of such of these as it is proposed to transmit

to Presbyteries for their opinion must be laid on the table, printed, and circulated among members at least one day before a motion can be made for the passing of such Declaratory or Interim Act, or for the transmission of such overture to Presbyteries.

APPLICATIONS FOR CONSTITUTIONS FOR NEW CHAPELS.

Transmission of Constitution, &c., to Agent.—The proposed constitutions, feudal titles, and extracts of the approval or deliverance of Presbytery, must be transmitted to the Agent of the Church one month before the meeting of each Assembly. These are submitted by him to the Procurator, and Principal and Depute Clerks, in conjunction with the Convener of the Home Mission Committee, who form a Standing Committee for the purpose. It is the duty of that Committee to revise the proposed constitutions, examine the titles, and report to the Assembly their opinion as to any alterations that should be made on the proposed constitutions. In opposed constitutions, the Committee are required to give to all parties, who may have appeared before the respective Presbyteries, eight days' notice of the day fixed for the consideration of the case, that they may attend for their interest.

Approval by Assembly.—The documents above mentioned, with a report by the Committee, are passed to the Assembly, through the Committee on Bills, and the constitutions, when approved of, are engrossed in the Record of the Assembly.

Parties who are entitled to be heard.—All parties who made appearance in the Presbyteries are entitled to be heard before the Assembly.

APPLICATIONS FOR CONSTITUTIONS FOR NEW PARISHES.

Transmission of Constitutions, &c., to Agent.—The constitutions for proposed new parishes, feudal titles, extracts of the approval of the constitutions, and of the boundaries of the proposed parishes, by the Presbyteries of the respective bounds, or of their deliverances on the proposals, must be transmitted to the Agent of the Church. These are submitted by him to what is termed the "ASSEMBLY'S DELEGATION," for preparing, altering, or remodelling such constitutions, which consists of the Procurator, and Principal and Depute Clerks, in conjunction with the Endowment Committee, who revise, adjust, and, if satisfied, approve of the constitutions.

Constitutions which are so approved of are reported to the Assembly by the Endowment Committee, and are engrossed in the Record of the Assembly.

REPORTS OF COMMITTEES.

Printing and Distribution of Reports.—The Reports of the Standing Committees require to be printed at least seven days before the meeting of Assembly. The Agent arranges for their being bound and indexed, and a copy furnished to each member on the

first day of the meeting of Assembly. All Reports so distributed are held as read.

Preservation of Reports.—Reports are not engrossed in the Record, but two copies of each, certified by the Clerk, are preserved; and when a sufficient number are collected, they are bound up in volumes.

Manuscript Reports.—These must be written on foolscap paper to admit of their being bound.

Verbal Reports.—In some cases verbal reports are received. A sub-committee is not entitled to report to the Assembly.

Deliverance of Assembly.—A final deliverance on the Report of a Committee follows immediately after consideration of the Report, unless a special reason to the contrary is approved of, and recorded in the minutes.

Print of Proposed Deliverances and Amendments.—Proposed deliverances on Reports of Standing Committees must be printed and circulated among members not later than the morning of the day immediately preceding that on which the deliverance is to be moved. Notice of amendment must be given in on the day preceding that on which the discussion on the deliverance is to take place, and in such time as will admit of the notice being printed in the roll of business; but this does not preclude the making of a motion in the course of a debate.

Reports not printed.—Reports of Committees appointed during the Assembly's sittings which contain a proposed deliverance not already printed, require to be lodged with the Agent at least one diet previously to being moved.

COMMITTEES.

The following arrangement of Committees has been adopted, viz :—

1. Committees having charge of Funds or Schemes.
2. Committees of Business.
3. Special Committees.
4. Temporary and Occasional Committees.

The Committees included under each head will be found in the Standing Orders forming an Appendix.

Special or Temporary Committee.—When the appointment of a special or temporary committee, or a committee to report to the same Assembly, has been resolved on, the committee is not nominated till the following day, except in cases of urgency which do not admit of a day's delay. The names of members proposed by the nomination committee require to be printed in the roll of business for the day.

MISCELLANEOUS BUSINESS.

Giving in Dissents.—These can only be entered after the minutes are completed and adjusted, and the House is ready to proceed to other business.

Letters addressed to the Moderator.—Such letters as are directed to be communicated to the Assembly are, in the first instance, submitted to the Business Committee, who advise the Moderator as to their disposal.

Deputies from other Churches.—Deputies on their arrival deliver their letters or commissions to the

Agent, who reports them to the Business Committee, that arrangements may be made for receiving the deputies.

Print of daily Proceedings.—Each day's proceedings—a roll of matters to be taken up on the following day, and notices of meetings of committee—are printed from day to day, and placed in the hands of members.

Synod Books.—These are called for on the first Wednesday of the Assembly, and remitted to the Committee for visiting the same. The Committee fill up a schedule with the information required, and a copy of the report as sustained by the Assembly is transmitted to Synods to be engrossed in their records.

Approval of Minutes.—The minutes adopted at any diet are read over and approved of only at a morning diet, with the exception of the minutes of the last day of the Assembly's sittings.

Standing Orders.—The standing orders are read over by one of the clerks on the first day of the meeting of every Assembly, if any member requires that that be done. A motion for repeal or amendment of the orders is brought before the Assembly in like manner with overtures in regard to other matters. It is competent to the Assembly, on the motion of a member to that effect, and on cause shown, summarily to dispense with the observance of the standing orders, or any of them, in any particular case; but no such motion is held to be carried unless it receives the support of not less than two-thirds of the members present and voting on the question.

CLOSING OF THE ASSEMBLY.

When the business set down for the last Monday of the sitting is disposed of, the Assembly is closed by addresses by the Moderator to the Assembly, and to his Grace the Commissioner, and by the Commissioner to the Assembly, and with devotional exercises.

HISTORICAL SUMMARY.

Election of Commissioners to General Assembly.

Time of Election by Presbyteries.—By Act of this date (January 18, 1698), the election was appointed to take place at least forty days before the sitting of Assembly ; but by a subsequent Act, of this other date (May 27, 1718), the time was extended in order to correspond with that for electing commissioners from royal burghs. In another Act, which was passed of this date (May 28, 1766), the Assembly, with a view to the more regular election of members, enjoined Presbyteries, burghs, and universities strictly to observe the Acts of former Assemblies, appointing the election to be made at least forty days before the meeting of Assembly, and within a month preceding the first of the said forty days (except in the case of the northern and western isles) ; and that they appoint the day of election, at a meeting to be entered in their minutes, at least ten free days before such election ; and that on the day so appointed the election be made betwixt the hours of one and eight o'clock in the evening.

Representation of Presbyteries.—So far back as this date (April 2, 1694), the Assembly established the rule that the representation of the several Presbyteries in the General Assembly should be in proportion to the number of parishes in which at that time there were, or ought to be, settled ministers; and accordingly it was then enacted that—

Presbyteries consisting of twelve parishes, or under that number, should send two ministers and one ruling elder.

Presbyteries consisting of eighteen parishes, or under that number, but above twelve parishes, should send three ministers and one ruling elder.

Presbyteries consisting of twenty-four parishes, or under that number, but above eighteen, should send four ministers and two ruling elders; and that all Presbyteries consisting of more than twenty-four parishes should send five ministers and two ruling elders to the Assembly.

Collegiate churches, where there used to be two or more ministers, so far as concerned the design of the Act, were to be understood as so many distinct parishes.

It was further declared by the Act, that no person was to be admitted as a member of Assembly unless he were either a minister or a ruling elder.

Following out the rule laid down in the Act of 1694, that the representation of Presbyteries should bear relation to the number of parishes having settled ministers, the Assembly of this date (May 8, 1712) declared that each Presbytery, whose number exceeded thirty ministerial charges, should send to the

Assembly six ministers and three ruling elders—a rule which was to take effect at the election to the then next Assembly.

The rule was further extended by an Act of this date (June 1, 1835), which, with reference to the provision contained in the one of 1712, declared that—

Every Presbytery, the ministerial charges in which should exceed thirty-six, should send to the Assembly seven ministers and three ruling elders ; and that

Every Presbytery whose ministerial charges should exceed forty-two, should send eight ministers and four ruling elders.

The office of a principal or professor of divinity in a university, who was entitled, by virtue of his office, to a seat in the Presbytery of the bounds, was to be regarded, so far as the number of representatives was concerned, as equivalent to a ministerial charge, if the holder of the office was not also the holder of a ministerial charge.

Four years afterwards, and on a recital of the three previous Acts to which reference has been made, the Assembly declared, by another Act of this date (May 24, 1839), that—

Every Presbytery, the ministerial charges in which should exceed forty-eight, should send to the Assembly nine ministers and four ruling elders ; and that

Every Presbytery whose ministerial charges should exceed fifty-four, should send ten ministers and five ruling elders.

That Act contains a similar provision to that of

1835 as respects a principal or professor of divinity in a university.

Matters remained on that footing for a period of thirty-seven years; but of this date (May 29, 1876), the Assembly found it expedient to extend the "rule" still further, and to declare, under a reference to the previous Acts, that—

Every Presbytery, the ministerial charges in which should exceed sixty, should send to the Assembly eleven ministers and five ruling elders;

Every Presbytery whose ministerial charges should exceed sixty-six, should send twelve ministers and six ruling elders; and that

Every Presbytery whose ministerial charges should exceed seventy-two, should send thirteen ministers and six ruling elders.

The Act also contains a declaration regarding a principal or professor of divinity in a university, in the same terms as that of the Act 1839.

A committee was appointed by the Act to communicate with all the Presbyteries of the Church containing more than twenty clerical members, on the expediency of adopting measures for their speedy division into Presbyteries of an extent fitted for the more effectual execution of the peculiar duties of these courts.

The Act of 1876 was followed by that of June 2, 1879, to which reference has been made in page 116.

Representation of Burghs and Universities.—The Assembly resolved, of this date (July 15, 1648), that no commission from a burgh should be admitted, except such as were consented to and approved of by

the ministry and session thereof,—the persons elected being always elders.

The Assembly of this date (March 27, 1704), ordained that all commissions to ministers and elders from universities and royal burghs (and also from Presbyteries), should bear that the commissioners had subscribed the Confession of Faith, and that none should be nominated to be a member of Assembly except such as usually resided in or had a relation to the burgh, university (or Presbytery), from which they were commissioned.

In the subsequent Act of this date (May 27, 1718), it was, among other things, resolved that no commissions from burghs to their representatives should be sustained, except such as were consented to and approved of, not only by the ministry and kirk-sessions of the burgh, in terms of the Act of 1648, but also by the Presbytery of the bounds within which the burgh was situated, and upon which commissions it was to be attested, both by the kirk-session and Presbytery, that the persons therein named were elders, lawfully ordained, that they had signed the formula, and that they were either residents in the burgh or heritors therein, or within the bounds of the Presbytery in which the burgh was situated, or that they had formerly resided and officiated as elders in the burgh or Presbytery.

The Act, which was passed two years afterwards of this date (May 18, 1720), contains the forms in which Presbyteries should attest commissions from their own body, and in which those from burghs should be

attested,—first, by the kirk-session ; and secondly, by the Presbytery.

In the Act of this other date (May 22, 1722), the Assembly ordained that commissions given by universities or Presbyteries should expressly bear that the commissioners had signed the Confession of Faith, with the formula, under the certification therein mentioned.

In order to ensure greater uniformity in commissions to members, the Assembly of this date (May 16, 1724) enacted that the Presbytery's attestation of commissions from universities and burghs, as well as from Presbyteries, should bear that the commissioner was in every other way qualified to be a member of the Assembly according to the Acts of Assembly.

In the following year (May 17, 1725) the Assembly passed an Act prescribing fixed forms of commissions from Presbyteries, universities, and burghs, and relative attestations. As, however, the form to be used in the case of universities did not apply to the position of some of their number, a slight change was made in the form by Act of this date (May 17, 1726).

Presbyteries were requested, by Act of this date (May 23, 1738), to make their elections yearly, within a month preceding the forty days, and at an ordinary meeting to appoint the day of election at least ten free days before the election. Universities and burghs were also required to follow the same rule of election.

The Assembly, however, found of this date (May 28, 1766), that certain Acts regulating the manner and time of electing members had been passed after the

one of 1725 establishing the form of commissions, and that these forms refer in general to Acts containing particulars of which Presbyteries, universities, and burghs could not have any certain evidence, and were thereby reduced to the necessity either of attesting what was not within their own knowledge, or of omitting clauses which rendered the commissions void. By this Act the Assembly accordingly ordained that the forms of commissions and attestations thereto annexed should be observed by Presbyteries, sessions, universities, and burghs, with certification that if such writs were not conceived in the very words of the forms prescribed, such commissions and attestations would be rejected.

It was further provided by the Act, that when a kirk-session or Presbytery refused to attest a commission from a burgh or university, without assigning the reasons of their refusal, the commission should be sustained as if duly attested, in the event of the matter being brought before the Assembly, by protest or appeal.

The forms prescribed by the Act of 1776 will be found appended to the subsequent one of 1768, to be immediately noticed.

This Act (May 21, 1768), after requiring ministers and elders to conduct themselves in a manner becoming their office, enjoins Presbyteries, burghs, and universities strictly to observe the Acts of former Assemblies, by which the election of members is appointed to be made at least forty days before the meeting of the Assembly, and within a month preceding the first of

the said forty days (with the exception of those in the northern and western isles), and to appoint the day of election, at a meeting to be entered in their minutes, at least ten free days before such election; and the election was directed to be made betwixt the hours of one and eight o'clock in the evening of the day so appointed.

Forms of commissions by Presbyteries, burghs, and universities, and of the necessary attestations, are appended to this Act.

The next Act, which was passed of this date (May 26, 1770), provides for an alteration in the form of commissions from universities, as the one appointed by the previous Act had, in certain cases, been found to be unsuitable.

A difficulty had also arisen as to the manner in which commissions from burghs should be attested by kirk-sessions, seeing that in certain of the larger burghs there were several parishes as well as different kirk-sessions. To obviate that difficulty, it was declared, by Act of Assembly of this date (May 31, 1788), that the attestation of any one of the kirk-sessions within the electing burgh should be held as sufficient.

The subsequent Acts, down to the one in 1877 (the leading provisions of which have been given at the outset of this head), have reference to the number of members to be elected by Presbyteries, and have been already noticed in pages 142, 143.

VI.—ADMISSION OF MINISTERS AND LICENTIATES OF OTHER CHURCHES.

1880, Act 9.—In order to the admission of a minister or licentiate of another Protestant Church to the status of an ordained minister or licentiate of the Church of Scotland, he must lodge his application with the principal clerk of the Church; and such application must be accompanied by certificates showing the applicant's course of learning and training for the ministry, with such other testimonials or statements as he may deem proper.

A committee is annually appointed by the Assembly (of which the principal clerk is convener, and five form a quorum) for the purpose of considering and judging of all such applications for admission; and the proceedings of the committee are reported to the Assembly.

Applications for admission, received by the principal clerk, are forthwith laid by him before the committee, who are directed to make such inquiry as shall enable them to satisfy themselves, in the case of each applicant, whether he has passed through a course of literature, philosophy, and divinity equal in extent or character to that required of licentiates of the Church of Scotland, and whether he is otherwise eligible, in

every respect, to be admitted as a minister or licentiate of the Church. If the committee are satisfied that he is eligible, a certificate to that effect is issued by them, and delivered to the applicant for admission.

The certificate, along with the application for admission, and the whole documents submitted to the committee, must then be laid by the applicant before the Presbytery of the bounds within which he has resided during the twelve months immediately preceding, or, in the event of his being resident out of Scotland, then before the Presbytery of Edinburgh.

The Presbytery may institute such further proceedings as may seem to them expedient, and must report their decision commending, or refusing to commend, the application, along with the relative papers, to the next Assembly.

If the certificate is refused by the committee, it is competent to the applicant to petition the Presbytery within whose bounds he has resided during the past year, who shall make the inquiry above directed, and transmit the proceedings in the case, with their opinion thereon, to the first Assembly thereafter.

When a Presbytery shall receive intimation that the congregation of a vacant parish has passed a resolution desiring to elect a minister of another Presbyterian Church, adhering to the doctrine, government, and worship of the Church, they may sist proceedings for the election and appointment of a minister in that parish, for a period not exceeding two months, so as to admit of such minister making application for admission to the Church of Scotland. In the event of

the Presbytery recommending him for admission, it is competent to such Presbytery, with concurrence of the committee, to consider and dispose of the application within the period of two months, to the effect of admitting the applicant, and rendering him eligible by the congregation of the vacant parish.

On the admission of an applicant, the usual securities are taken for his adherence to the Church of Scotland, and to the doctrine, discipline, worship, and government of the Church. Applicants admitted in terms of the Act, except those admitted under clause 8, shall be enrolled in the list of licentiates, unless ministers so admitted are specially authorised by the Assembly to discharge the functions of the ministry.

HISTORICAL SUMMARY.

It seems to have been the ancient practice of the Church of Scotland to receive as brethren ministers of the Reformed Churches on the Continent, and to admit to charges at home, Scotsmen ordained in these Churches, and who may have ministered in these Churches. The first mention of the admission of ministers ordained otherwise than in the Church itself is in an overture of date 1754, transmitted to Presbyteries, but not passed, to the effect that such ministers shall preach before the Presbytery, and be judged by it as to their qualifications before being "capable of a charge in the Establishment."

Although the Church for some time dealt with great tenderness towards Ebenezer Erskine, and others who

separated themselves from her communion, desiring to treat them in the spirit of "brotherly love and forbearance," and expressing her readiness to forgive all that had passed, and "to receive them with open arms," if they would show a disposition to return to the duty and obedience which they owed to the Church, it must, at the same time, be said that, after the deposition of these ministers, of this date (May 15, 1740), both parties were influenced for a considerable period by an unkind and uncharitable feeling towards each other. With the lapse of time, however, that feeling gradually exhausted itself, a better spirit set in, and approaches were made on both sides towards reunion. Accordingly, of this date (May 25, 1839)—almost a century after the separation—an Act was passed, whereby the Assembly provided "that all the ministers of the Associate Synod, and their congregations in Scotland, desirous of being admitted into connection and full communion with the Church, should be received accordingly"; and regulations were at the same time adopted, with a view to the accomplishment of that object.

Subsequently, of this date (June 2, 1856), an Act was passed by the Assembly regulating with greater precision the admission of ministers and licentiates of Dissenting bodies into the Church; and another Act was passed of this date (May 25, 1876), as to the "Admission of ministers of other Presbyterian Churches." These two Acts, however (together with one passed in 1799 respecting unqualified ministers and preachers) were repealed by the Act of 1880, the terms of which were described at the commencement of this head.

VII.—COMMISSION OF THE GENERAL ASSEMBLY.

Appointment.

THE Commission is appointed annually, and consists of the whole members of the Assembly for the year, with the addition of one person named by the Moderator for the year. The names of persons whose Commissions were found informal are also added.

Meetings.

The Commission is usually appointed to meet at the following stated periods, at 12 o'clock noon :—The day after the closing of the Assembly ; the second Wednesday of August ; the third Wednesday of November, and the first Wednesday of March, or oftener as occasion may require.

Quorum.

In order to secure a quorum, the Presbytery of Edinburgh, and any other Presbytery within twelve miles thereof, is prohibited by the General Assembly

from meeting on any of the days, or weeks, appointed for the meetings of the Commission. The number of members who require to be present in order to form a quorum is thirty-one, of whom twenty-one must be ministers.

Business.

The business devolved on the Commission is chiefly to dispose of such matters as are referred to it by the General Assembly. Powers are also granted to it to attend to the interests of the Church; to determine processes, but only at one or other of the stated meetings; to receive such references and appeals as may be made by Synods on matters of doctrine, and to prepare the same for the next Assembly; to give advice, when required, to Synods and Presbyteries as to the suppression of vice and immorality; and to see that impressions of the Holy Scriptures and other books authorised by the Church are correct.

APPENDIX.

STANDING ORDERS FOR REGULATING THE BUSINESS OF THE GENERAL ASSEMBLY, ADOPTED IN 1884.

I.—AS TO THE COMMISSIONS OF MINISTERS AND ELDERS ELECTED AS MEMBERS OF ASSEMBLY.

1. The agent of the Church shall furnish all Presbytery clerks with printed copies of the form of commission as hitherto in use, and also of the certificates in favour of ruling elders, required by Act of Assembly, 1839, cap. 12, anent the qualifications of representative elders, to be used by kirk-sessions.

2. There shall be attached to commissions of Presbyteries a statement, certified by the Presbytery clerk, of the number of charges in each Presbytery at the date of the commission, and of any changes that have taken place during the previous year; also a list of the names and addresses of the probationers within their bounds.

3. All commissions from Presbyteries shall be sent up by their clerk, so as to be in the hands of the agent of the Church at least ten days before the day fixed for the meeting of Assembly.

4. All commissions from burghs or universities shall be transmitted by the persons elected, so as to be in the hands of the agent ten days before the day fixed for the meeting of Assembly.

5. The agent shall, on a day not later than four days previous to the first day on which the Assembly meets, submit all commissions transmitted to him to the procurator and clerks of the General Assembly, who, along with the agent, shall constitute a standing committee—of which the agent shall be convener—for examination of commissions transmitted as aforesaid; and the said Committee shall prepare and have printed a list of commissioners, and at the first diet of the Assembly, through their convener, submit the same, and report how far the said commissions appear to be regular and according to law and practice, and whether any of the same be in these respects defective.

6. All commissions reported by the agent's committee to be defective, or which, on the report of the said committee, shall be objected to by any person having interest, or by any member of Assembly, shall be remitted by the Assembly to a committee of nine of its members—of whom three shall be a quorum—and the committee of Assembly shall report upon the said commissions to the diet of Assembly held next after the date of the appointment of the said committee.

7. It shall be competent to lodge with the agent for the Church, commissions which have not been previously transmitted to him in terms of section 3 and 4, *supra*, at any period during the sitting of the Assembly, and such commissions shall be submitted by the agent to the Assembly at their meeting on the day next after the day on which the commissions shall have been so lodged, and shall be disposed of by the Assembly as may seem proper.

8. The committee on disputed commissions shall, if called upon, or if it shall appear to the committee necessary or expedient so to do, hear the person whose commission is objected to, by himself or by his counsel or agent, in support of his commission; and also any person or persons who may object to such commission.

II.—AS TO CONSTITUTING THE ASSEMBLY, AND THE APPOINTMENT OF, AND PROCEDURE BEFORE, THE COMMITTEES FOR DESPATCH OF BUSINESS.

9. The commissioners elected to serve in the Assembly shall convene in the Assembly Hall on the day fixed for the meeting of Assembly, at the usual hour; and after sermon, according to the present practice, when, after prayer by the Moderator of the last preceding General Assembly, the roll of the names of all ministers and elders whose commissions have been lodged with the agent previous to the meeting of Assembly, and found correct, shall be submitted by him to the House, and read if required.

10. The election of a Moderator shall then be made.

11. Her Majesty's commission to the Lord High Commissioner shall then be read and recorded.

12. Her Majesty's letter to the Assembly shall then be read, and a committee shall be appointed to prepare an address in answer thereto.

13. The report of the agent's committee upon commissions transmitted to, or otherwise lodged with, the agent, shall then be called for and read, and shall be disposed of in manner prescribed in section 6, *supra*.

14. The following committees shall then be nominated—viz.: committee on disputed commissions; committee on overtures; committee on bills; committee for arranging the order of business; committee for revising the record of the commission and synod books; committee for nominating members to serve on special committees; and committees appointed to report during the Assembly.

15. When there is a vacancy in any of the offices of the ordinary office-bearers of the Assembly, such steps as to the Assembly may appear proper shall then be taken for supplying the vacancy.

16. The committees appointed in terms of section 14, *supra*, shall hold their first meetings at the times and places specified in the minute of their appointment, and the Committees on Bills and Overtures shall respectively make a report to the Assembly at its diet next following the diet when the said committees were appointed, and at such times thereafter as the state of the business brought before them may render expedient, or as the Assembly shall direct.

17. The committee for arranging the business of the Assembly shall report to the Assembly from time to time, as the state of the business may render expedient; and the Committee for Revising the Record of the Commission shall report to the Assembly before its close, and as soon as may be after the appointment of the said committee.

18. The committee whose duty it shall be to nominate to the Assembly suitable persons to serve on Committees, shall consist of the Moderator, the clerks, the agent, the convener of the Business Committee for the time being, and five members chosen by the Assembly.

19. Overtures from Presbyteries shall be presented to the Committee on Overtures by the commissioners from the Presbytery; those from Synods by the commissioners from some Presbytery within the bounds of the Synod; and no overture from a Synod or Presbytery shall be transmitted to the Assembly by the Committee on Overtures if not so presented to them.

20. Overtures by individual members of the Assembly shall be presented to the Committee on Overtures by the parties promoting such overtures, and no such overture shall be transmitted to the Assembly by the Committee on Overtures unless it shall be so presented to the committee.

21. Applications to the Committee on Bills shall be made by petition, subscribed by a party having an interest in the cause, or other matter referred to in the said petition, or by his counsel or duly authorised agent; and in the said petition there shall be specified

the cause or other matter sought to be transmitted to the Assembly, and all documents connected therewith also sought to be transmitted.

22. Along with applications for transmission to the Assembly of appeals, or of dissents and complaints against the judgments of inferior courts, there shall be produced to the committee an extract of the judgment complained of, and an extract or certified copy of the relative reasons of appeal, or of dissent and complaint, with all documents or copies, certified by the clerk of the court whose judgment is appealed against to be correct copies of all documents forming part of the record in the inferior court.

23. In all causes brought up to the Assembly, by appeal or otherwise, the record shall be held to consist of the entire minutes of the inferior courts in relation to the cause, and of the evidence, whether parole or documentary, adduced in the same, whether engrossed in the minutes or lodged in the inferior court, and kept *in retentis*, and no documents not forming part of the record shall be transmitted by the Committee on Bills to the Assembly, in connection with any cause, with the exception of reasons of appeal, or of dissent and complaint, which shall, in all cases where tendered, be transmitted along with the record.

24. When there shall be more than one appeal in the same cause, or more than one dissent and complaint, or one or more appeals, as well as one or more dissents and complaints, it shall not be necessary to produce, along with the petition to the committee in each appeal, or dissent and complaint, the record in the

cause, or a certified copy of the same ; but it shall be sufficient to refer to the record as produced along with the petition relative to any other appeal, or dissent and complaint, provided always that, along with every petition to transmit an appeal, or dissent and complaint, there shall be produced an extract of the judgment complained of.

25. Where any cause shall be referred by an inferior court to the General Assembly, the clerk of such inferior court shall, as soon as may be after the reference has been made, transmit to the agent for the Church the record in such cause, or a duly certified extract or copy of the same, and along with every application to the committee to transmit such reference to the Assembly, there shall be produced an extract of the minute of the inferior court, containing the reference, and the petition shall refer to the record, or to the extract of the same, as having been transmitted to, and as being in the hands of, the agent for the Church.

26. That in the cases specified in the last preceding section, the agent of the Church shall produce to the committee the record in any cause transmitted to him as aforesaid, and referred to in any application to the committee ; and the committee, if they shall agree to transmit the reference to the Assembly, shall transmit along therewith the record in the cause.

27. That along with all applications to the committee to transmit to the Assembly original petitions, or other applications to the Assembly in the first instance, there shall be produced to the committee a written copy of such petition, or other application,

subscribed by the party promoting the same, or by his counsel or agent, and all documents referred to in the said petition, or upon which the petitioner intends to found in support of his application, and which are not already before the House.

III.—REGULATIONS AS TO PRINTING.

28. All papers intended to be passed through the Committee on Bills, excepting those in regard to which printing is dispensed with under section 34, shall be transmitted in manuscript to the agent of the Church, not later than fourteen days before the meeting of Assembly, in order to be printed in sufficient numbers for the use of members of Assembly.

29. All such papers shall be printed by the agent, who at the time of lodging for printing may require such deposit or security as he thinks necessary to meet the expense. That in causes the expense of printing shall be borne by the complainer or appellant when there is one. When the inferior court shall refer a cause to the Assembly without pronouncing judgment, the expense shall be borne by the parties mutually. When papers have not been printed, or a party liable for a share of the expense shall not have paid the same before the time appointed for laying the same on the table, the party not having printed, or refusing to pay the share of expense, shall be considered as having deserted the cause, and shall not be entitled to be heard. That in all other causes, such

as petitions, references not in causes, memorials, &c., the expense shall be borne by the party having interest in the same, or desiring a deliverance from the Assembly.

30. All papers shall be printed in the octavo form, corresponding to pages of the volume of 'Proceedings.'

31. All papers shall be stitched together and paged, and provided with an alphabetical index for reference; and a copy shall be given to each member along with his ticket.

32. Whenever proceedings, intended to come before the Assembly, take place in inferior courts, within fourteen days of the meeting of Assembly, copies of such proceedings shall, if an appeal be taken, be transmitted to the agent of the Church, within forty-eight hours of the time when the last judgment appealed against is pronounced. Proceedings which, from unavoidable cause, do not reach the agent in sufficient time to be printed for the opening of the Assembly, or shall originate during its sittings, shall be printed and circulated as soon as possible thereafter by the agent, in the same style as those previously printed.

33. In all cases where papers are printed for either of the parties in a cause, in terms of these regulations, the agent shall be bound, on application made to him for that purpose, to supply six copies of such prints to the opposite party, or parties, in the cause, or to his or their duly authorised agents.

34. In causes arising out of trials for licence or ordi-

nation, or out of matters relating to Church ordinances, or any matter not involving the interests of private parties brought before the Assembly by reference, or by petition presented to the Assembly by any minister, or member of a Church Court, in the discharge of his public duty as such, it shall be optional to the Court making the reference, or to the person or persons insisting in such cause, either to print and lodge with the agent printed copies of the proceedings in the same, in manner already provided with regard to appeals, or to lodge with the agent a written copy of the said proceedings in manner provided with regard to dissents and complaints.

35. The persons promoting any overtures to the General Assembly shall lodge the same in MS. with the agent for the Church ten days before the meeting of Assembly, and he shall get them printed for the use of the Assembly—provided always that in the case of any overtures relating to matters emerging during the meeting of the Assembly, such overtures shall be lodged with the agent and printed at least two days before discussion of the same by the Assembly.

36. The clerk of the Assembly shall preserve two copies of every paper printed for the Assembly—one copy of which, having a copy of the judgment of the Assembly in the cause to which it relates prefixed or annexed thereto, shall be bound up and kept in the records; and the other copy, also having the judgment written thereupon, shall be lodged in the library.

37. The proof-sheets of papers printed for use of the

Assembly, as herein provided, shall be submitted in proof to the persons transmitting the same, and shall be revised and corrected by them. The manuscript shall be returned to the parties for the purpose of being transmitted by them through the Committee on Bills or Overtures, as the case may be.

IV.—ORDER OF PLEADING IN CAUSES.

38. In causes brought before the Assembly by appeals, or by dissent and complaint, where there is only one appellant or complainer, or one set of appellants or complainers, concurring in the same reasons of appeal, or of dissent and complaint, and one respondent, or one set of respondents, concurring in the same answers to the reasons of appeal, or of dissent and complaint, the case for the appellant or complainer shall be stated by himself or by his counsel, who at the same time shall submit such argument upon the case as he shall think fit; and the party or counsel so stating the appeal or complaint shall be followed by the respondent or his counsel; and at the close of the answer to the opening statement for the appellant, he shall be entitled to be again heard, and the respondent shall also be entitled to be heard in answer to the second speech for the appellant or complainer; and if, in his final answer, the respondent or his counsel shall state any fact, or submit any argument not adverted to in his answer to the opening statement for the appellant, the appellant or complainer shall be entitled to a reply upon the new matter introduced in the final

answer for the respondent ; but with the exception of this right of reply so limited, in no case shall more than two speeches be allowed to each party at the bar.

39. In such causes as those referred to in the last preceding article, and in which there are more than one appellant, or set of appellants and respondents, insisting on the appeal or dissent and complaint, or supporting the judgment complained of on different grounds, and in separate reasons or answers, each appellant or complainer shall be entitled to open and state his separate case, and each respondent shall be entitled to make his separate answer, and the debate shall be closed with a reply for the several appellants ; provided always, that it shall be competent to the parties, with consent of the House, to make any arrangement for conducting the debate, other than that herein prescribed, which shall have the effect of limiting further than is herein done the number of speeches to be made from the bar.

40. In causes brought before the Assembly by reference from an inferior court, the reference shall be stated to the House by one of the commissioners of the Presbytery, or by a commissioner from a Presbytery within the bounds of the Synod making the reference in his place as a member of the House, or by some member of such Presbytery or Synod specially appointed for that purpose. And the Assembly shall thereafter hear the parties in the cause referred, in such order as the shape of the case may seem to require, keeping in view the regulations in the last two preceding articles.

41. It shall be competent for any member of an inferior court, whose judgment is brought under review of the Assembly, to appear at the bar in support of the judgment; but where commissioners have been specially appointed by the inferior courts to support their judgment, the Assembly shall not hear any member of such court, other than one of the members so appointed, unless any member not so appointed, and who wishes to be heard, can show a separate and peculiar interest to support the judgment. And it shall, in all such cases, be competent to the Assembly to limit the number of members of an inferior court, who shall be heard in support of the judgment under review.

42. Where a judgment of a Synod affirming a judgment of a Presbytery is brought under review of the Assembly, the members of Presbytery shall have no *status* as parties at the bar, except in the character of members of the Synod; but where a reversal by a Synod of a judgment of a Presbytery is under review, the Presbytery may appear, and be heard at the bar of the Assembly as appellants against the judgment, provided always that they comply with the regulations herein contained regarding causes brought under review of the Assembly by appeal.

43. Where a Synod reverses a judgment of a Presbytery, on a dissent and complaint, and the Presbytery appeal against the reversal, the complainers in the dissent and complaint to the Synod may appear and be heard at the bar of the Assembly as respondents to the appeal for the Presbytery.

44. In causes brought before the Assembly, by petition or other application to the Assembly, in the first instance, the party promoting the said application shall be entitled to be heard in support of the same. And the Assembly, if required so to do, shall also hear an answer from any party upon whom they may have directed such application to be served, or whom they shall consider to be a proper respondent; and the debate at the bar shall be closed with a reply from the party promoting the application.

V. — ORDER OF DEBATE IN THE HOUSE, AND AS TO
PUTTING THE QUESTION AND TAKING THE VOTE.

45. It shall be competent to any member of Assembly to make such motion as he shall think fit, upon any matter regularly brought under the consideration of the Assembly; and any member so moving shall state the terms of his motion in writing, to be laid upon the table of the House. When a motion or amendment is duly seconded and in possession of the Assembly, it shall not be competent to withdraw it or to make any alteration upon it without the permission of the House, except in the shape of an amendment, or second or third motion, as the case may be, regularly proposed to the Assembly.

46. When a motion so made is seconded, it shall be competent for any member to move an amendment upon the same, of which he shall also state the terms in writing; and when the motion and amendment have

been duly made, seconded, and laid upon the table, it shall be competent for any member to be heard in support of one or other of the propositions before the House. And the debate shall be closed with a reply; if he think fit to claim a reply, from the mover of the motion.

47. Each member who rises to speak must direct his speech to the motion under discussion, or to a motion or amendment to be proposed by himself, or to a question of order.

48. A speaker is not to be interrupted unless upon a call to order. When so interrupted, he shall cease speaking until the point of order is decided. The member calling to order shall state the grounds upon which the call has been made; but no other member is entitled to speak to the point of order, unless with the permission or at the request of the Moderator, with whom the decision on the point rests.

49. The member who makes the first motion shall be entitled to the privilege of giving a reply, in which new matter must not be introduced; thereafter the debate shall be held to be definitely closed. No other member may speak twice to a question except in explanation, and then only by special permission of the House.

50. All motions after the first shall be considered as amendments on the first, and disposed of accordingly.

51. When there are only two motions before the House, the question put to the vote shall be motion or amendment, or first or second motion.

52. When there are three motions, all inconsistent with one another, the first vote shall be, whether the second or third motion shall be put as the amendment against the first; and the second vote shall be, whether the first motion or the amendment so fixed shall be the decision of the House.

53. When there are more than three motions, all inconsistent with one another, the first vote shall be, whether the one last proposed shall be put as the amendment, and so on till only three remain, when the procedure shall be as prescribed in section 52.

54. When amendments are proposed to the original motion for the purpose of either adding words thereto or deleting words therefrom, but not being inconsistent with the general tenor thereof, they shall be disposed of by the House before motions intended to come in place of, or to wholly subvert, the original motion are put to the House; and if any such additions or deletions are accepted by the House, the motion so adjusted shall be deemed to be, and shall be dealt with as, the first motion, for the purposes laid down in sections 52 and 53.

55. If any point is raised as to the nature of any amendment, it shall be the duty of the Moderator to decide whether it shall be dealt with as a separate motion under sections 52, 53, or as an amendment under section 54, and his decision shall be final.

56. When the question before the House involves the appointment of any person to any office to which it is in the power of the Assembly to appoint, and the names of more persons than two are proposed and

seconded and not withdrawn, their names shall be simultaneously put to the vote. If on the first vote there is a clear majority for any one of those proposed over all the others, he shall be declared duly elected. If none of those proposed obtains such a majority, the name of the person having the fewest votes shall be struck off, and the vote taken again, and so on until there is a clear majority for some one as herein provided, or only two names remain, when the vote shall be between the first and second motion as provided in section 52. In cases which come under this section, the vote shall be taken either by calling the roll or standing up, or in such other way as the Assembly may prescribe.

57. When any proposal has been submitted in the Report of a Committee, any motion for approval of such proposal shall take precedence of any counter motion or amendment.

58. No notice of motion shall be printed by the agent, or allowed precedence in discussion, which has been given in earlier than the second day of the Assembly's meeting, unless it relate to business which the Assembly has agreed to take up on the second or third day of meeting.

59. On a division being called for, a period of one minute shall be allowed to elapse, during which time the reporters' seat shall be closed, and all parties who are not members, but have the privilege of entering the House, shall withdraw.

60. The Moderator may, if he deems fit, ascertain the mind of the General Assembly by asking the

members to stand up in their places, and he shall intimate to the House on which side there is, in his opinion, a majority. If the decision of the Moderator is challenged, a vote shall then be taken as provided in the succeeding sections, but if not challenged, the decision of the Moderator shall become the judgment of the House.

61. Four tellers shall be appointed by the Moderator, two from the supporters of each of the motions to be voted on. These tellers shall take their places in pairs, one on each side of the doors of the House, and shall count the members passing out at their respective doors.

62. When the tellers have taken their places, the Moderator shall direct the members to vote by leaving the House at separate doors, those who support the first motion going out at the right hand, and the supporters of the amendment or second motion at the left hand, of the Chair.

63. The agent shall prepare printed alphabetical lists of members, and shall appoint clerks to mark at each door the votes of members, who, as they pass the door, shall give their names in a distinct voice to the clerk.

64. As soon as the vote shall thus have been taken, the tellers shall report the state of the vote to one of the clerks of Assembly, who shall write it down and read it to the House.

65. The report of the tellers, as read to the House, shall be held as final and conclusive, and not subject to any revision by scrutiny or otherwise.

66. When members return to the House after the division, they shall be understood as having right to the seats which they occupied before leaving the House.

67. The House may determine that a vote shall be taken not by the doors, but by standing up, in which case those voting shall be counted by the clerks of Assembly, and the numbers reported as provided in section 64.

68. It shall be competent to any member of the House present at the vote, to enter upon the minutes a dissent from the judgment or resolution of the House immediately after the vote, and to lodge thereafter his reasons of dissent, to which any member present at the vote may adhere, either when such dissent is taken, or at the next diet of the Assembly thereafter; but it shall not be competent to enter a dissent at any diet after that at which the resolution dissented from was passed.

VI.—RETURNS TO OVERTURES, DECLARATORY ACTS, AND OVERTURES.

69. When overtures have been transmitted to Presbyteries by the Assembly, the return by the Presbytery to each overture shall be made upon the printed schedule sent to the Presbytery clerks for the purpose of making returns, and be transmitted by them as soon as possible, after they have been considered by their respective Presbyteries, to the

agent of the Church, who shall submit them to the Standing Committee on Commissions, which shall also form a Standing Committee for classifying returns to overtures, to be by them classified and reported to the Assembly not later than the first Saturday of the sitting of the Assembly. It shall be the duty of the Committee to report not only the number of Presbyteries for and against an overture, but also the members voting in the Presbyteries as reported in the printed schedule.

70. The draft of any proposed declaratory or interim Act, as also the draft of any overture which it is proposed to transmit to Presbyteries for their opinion, in terms of the Barrier Act, shall be laid on the table of the Assembly, and printed and circulated among the members, at least one day before a motion be made for the passing of such declaratory or interim Act, or for the transmission of such overture to the Presbyteries of the Church.

VII.—APPLICATIONS FOR CONSTITUTIONS FOR NEW CHAPELS.

71. All constitutions for new chapels, along with the feudal titles of the churches and grounds, and extracts of the approval of the proposed constitutions by the Presbyteries of the respective bounds, or of their deliverances upon the proposal, shall be transmitted, one month before the meeting of each Assembly, to the agent of the Church, who shall submit the

same to the Procurator and Principal and Depute Clerks of the Assembly, in conjunction with the Convener of the Home Mission Committee, who shall form a Standing Committee for the purpose; and such Committee shall revise the proposed constitutions, and examine the titles and report to the Assembly their opinion as to any alterations that should be made on the proposed constitutions: always providing, that in cases of opposed constitutions, the said Committee shall give to all parties who may have appeared before the respective Presbyteries, eight days' notice of the day fixed for the consideration of their case by them, in order that they may attend for their interest.

72. When the above-mentioned documents have been transmitted, and the constitutions considered and revised by the Committee, they shall, along with the said Committee's report, be regularly passed to the Assembly through the Committee on Bills in common form, and the said constitutions, if approved, engrossed in the Record of the Assembly.

73. All parties who have made compearance in the Presbyteries shall be entitled to be heard before the Assembly to which the applications are passed on their objections, to the constitutions for the proposed chapels, or to the report of the Committee specially appointed as aforesaid.

VIII.—APPLICATIONS FOR CONSTITUTIONS FOR NEW PARISHES.

74. All constitutions for proposed new parishes, along with the feudal titles to the churches and grounds, and extracts of the approval of the proposed constitutions, and of the boundaries of the proposed new parishes, by the Presbyteries of the respective bounds, or of their deliverances upon the proposals, shall be transmitted to the agent of the Church, who shall submit the same to the Assembly's Delegation for preparing, altering, or remodelling such constitutions—viz., the Procurator and Principal and Depute Clerks of Assembly, in conjunction with the Endowment Committee, who shall revise, adjust, and, if satisfied, approve of the said constitutions.

75. All constitutions so approved shall be reported to the Assembly by the Endowment Committee, and engrossed in the Record of the Assembly.

IX.—REPORTS OF COMMITTEES.

76. The Reports of the Standing Committees shall be printed at least seven days before the meeting of Assembly, and the agent shall arrange that they be bound up in a volume and indexed, and a copy given to each member on the first day of the meeting of the Assembly, and all Reports so distributed shall be held as read.

77. Reports shall not be engrossed in the Record;

but after being printed, two copies of each, certified by one of the clerks as being that given in to the Assembly, shall be kept *in retentis*, and the Reports thus collected shall be bound up in volumes to be preserved among other documents of the Assembly.

78. Manuscript Reports to the Assembly shall be written upon foolscap paper, and so as to admit of being bound up into volumes.

79. Verbal Reports shall not be received, and no sub-committee shall give in any Report to the Assembly.

80. The final deliverance of the Assembly upon the Report of any Committee shall always follow immediately after the consideration of said Report, except in the event of a special reason for the contrary having been approved of by the Assembly and recorded in the minutes.

81. All proposed deliverances upon Reports of the Standing Committees shall be printed and circulated among the members not later than the morning of the day immediately preceding that on which the said deliverance is to be moved.

82. All Reports of Committees appointed during the Assembly's sittings, which contain any proposed deliverance not already printed, shall be put into the hands of the agent at least one diet previously to its being moved that they be approved of.

X.—COMMITTEES.

83. That the following classification and arrangement of Committees shall be adopted, and the Committees composing the first three classes shall be held as Standing Committees :—

1. *Committees having charge of Funds and Schemes.*

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| 1. Education Scheme. | 7. Small Livings Scheme. |
| 2. Foreign Missions. | 8. Aged and Infirm Ministers' Fund. |
| 3. Home Mission. | 9. Continental and Foreign Churches. |
| 4. Colonial Missions. | 10. Patronage Compensation Fund. |
| Sub-section—Army and Navy Chaplains. | 11. Finance. |
| Sub-section—Continental Chaplaincies. | 12. Highlands and Islands. |
| 5. Jewish Mission. | 13. Royal Bounty. |
| 6. Endowment Scheme. | |

2. *Committees of Business.*

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| 14. Joint Committee on the Schemes. | 17. Admission of Ministers of other Churches. |
| 15. Library, and Arrangements for the Order of the House. | 18. Committee on Commissions and Classifying Returns to Overtures. |
| 16. Correspondence with Scottish Church in England. | 19. Committee on Constitutions for Chapels of Ease. |

3. *Special Committees.*

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| 20. Christian Life and Work. | 26. Presbyterian Superintendence and Statistics. |
| 21. Sabbath-Schools. | 27. Church Interests and Legislation. |
| 22. Indian Churches. | 28. Probationers. |
| 23. Intemperance. | |
| 24. Psalmody and Hymns. | |
| 25. Statistics of Christian Liberty. | |

The above, 28 in number, are Standing Committees.

4. *Temporary and Occasional Committees, of which there are the following at the present time :—*

ASSEMBLY 1885.

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| 29. Committee to prepare an Overture anent the Conduct of Judicial Cases. | 34. Standing Orders. |
| 30. On Gaelic Scriptures. | 35. Constitutions of <i>Quoad Sacra</i> Churches. |
| 31. On Aids to Devotion. | 36. University Bill. |
| 32. Pluralities and Better Endowment of Theological Chairs. | 37. Education of Ministers. |
| 33. Minutes of Westminster Assembly. | 38. Committee to Inquire and Report as to Matters embraced in Overture on Presbyterianial Superintendence. |
| | 39. Lapsed Masses. |

84. When the appointment of a special or temporary Committee, or Committee to report to the same Assembly, has been resolved on, the Committee shall not be nominated till the following day,—except in cases the urgency of which does not admit of a day's delay,—and the names of the members proposed by the Nomination Committee shall be printed in the roll of business for the day.

XI.—AS TO MISCELLANEOUS BUSINESS.

85. No dissents against any deliverance of the Assembly shall be given in until the matter in which it is pronounced is, for that sederunt, disposed of, the minutes are completed and adjusted, and the House is ready to proceed to other business.

86. All letters addressed to the Moderator for the purpose of being communicated to the Assembly

shall be laid before the Business Committee, who shall advise the Moderator as to the way of disposing of them.

87. That deputies from other Churches shall, on their arrival, give in their commission or letters of introduction to the agent of the Church, who shall report the same to the Business Committee, that arrangements may be made for receiving them at a convenient time.

88. That each day's proceedings, together with the roll of matters to be taken up on the following day, and notices of meetings of Committees, be printed from day to day, and placed in the hands of members of Assembly.

89. The Synod Books shall be called for on the first Wednesday of the Assembly, and remitted to the Committee appointed for visiting the same, who shall fill up a schedule with the information required by the Assembly, regarding each Book, and a copy of the Report as sustained by the Assembly shall be transmitted to the Synod, to be engrossed in their Record.

90. That the minutes adopted at any of the diets be read over and approved of *only* at a morning diet, with the exception of the minutes adopted on the last day of the Assembly's sittings.

91. The standing orders shall be read over by one of the clerks on the first day of the meeting of every Assembly, if the Assembly shall require that they be so read. And any motion for repeal or amendment of any of the orders shall be brought

before the Assembly in like manner with overtures in regard to other matters ; provided always, that it shall be competent to the Assembly, on the motion of any member to that effect, and on cause shown, summarily to dispense with the observance of the standing orders, or any of them, in any particular case. Provided always that no motion to dispense with the standing orders or any part of them shall be carried unless such motion receives the support of not less than two-thirds of the members present and voting on the question when put from the Chair.

XII.—CLOSING OF THE ASSEMBLY.

92. When the business set down for the last Monday of the sitting of the Assembly shall have been disposed of, the Assembly shall be closed by addresses from the Moderator to the Assembly and to his Grace the Commissioner, and by an address from the Commissioner to the Assembly, and with devotional exercises, according to the ancient practice of the Assembly.

FEES PAYABLE ON LODGING PAPERS.

On Lodging Printed Papers, . . .	£1	0	0
Transmitting through Committee on Bills, . . .	0	5	0
Lodging Commissions, . . .	0	5	0

ADDITIONAL REGULATIONS FOR KIRK-SESSIONS AND PRESBYTERIES.

I.—KIRK-SESSIONS.

On the correct keeping of Minutes (see p. 16).

The minutes of the kirk-session must be regularly kept; a faithful record being entered of the members present, and the business transacted. They must be correctly written, free from blottings, erasures, and interlinings. In the case of deletions, which can be made only on the authority of the Superior Court, the margin must bear the number of pages, lines, or words deleted, and by what authority the deletion is made—the annotation being signed by the moderator and clerk. Omissions must be supplied only on the margin, and attested by the clerk.

Extracts from the minutes are allowed to parties at the close of the proceedings in which they are concerned; but these are not granted until the minutes have been completed and approved by the court, and already entered or ready to be entered in the record, unless in cases of urgency, when the next higher court meets before said minutes can be approved in ordinary course.

It is the duty of the moderator of the kirk-session, as of other courts, with a view to perfect accuracy, to cause every separate transaction to be read in the hearing of the members, and repeated until they are fully satisfied with its meaning; and when the minute

is written out *in mundo*, it must again be carefully read over before he attaches his signature.

Proceedings in a case of Scandal (see p. 19).

In a case of scandal, proceedings may be taken by, or instituted before, the kirk-session of the parish in which the scandal is most notour, instead of that in which the woman resides.

Regulations regarding Witnesses (see p. 20).

The defender in a cause may object to any of the witnesses cited, and if the objection is found relevant, the witnesses objected to must be cast. At the close of his examination-in-chief any witness may be cross-questioned through the moderator,—the pertinence of each question being subject to the ruling of the kirk-session. The party accused may also, before going to proof, offer grounds of exculpation to be proven by witnesses. In that case the session first considers the relevancy of the offered exculpation. If found relevant, witnesses are cited by the kirk-session upon the party's charges, and if the exculpation be fully proven as to the substance of the scandal, all further proof of the accusation must there sist, and the defender is to be assoilzied.—*Form of Process*, chap. ii. 10, 12, 13.

Settlement of doubtful cases (see p. 21).

In cases of fornication and adultery, when the evidence is insufficient to establish guilt, and yet the

presumption strong enough to stand in the way of ready acquittal, procedure may be sisted till God in His providence gives further light; or the oath of purgation may be administered to the individual if he desire it, and provided leave to administer it has been obtained from the Presbytery. In administering this oath all tenderness and caution are to be used.

Procedure in case of Appeal (see p. 21).

If reasons be given when appeal is taken these are inserted in the record. Appeals properly taken sist procedure, or at least prevent the final execution of a sentence till the appeal be discussed. Frivolous appeals are to be disregarded.

Procedure in grave cases of Censure.

In process for adultery, trilapse in fornication, and all processes leading to the highest censures of the Church, as well as in the case of continued contumacy, the session may summon the accused person and deal with him to confess; but before proceeding further they must refer the matter to the Presbytery for direction as to procedure. Otherwise, if the process is clear and the charge not denied, the session may summon the person *apud acta* to compare before the Presbytery, who after dealing with him will remit the case to the session to be further dealt with according to the laws of the Church.

Treatment of Fugitives from Discipline.

Those who abscond during the dependence of a process against them, are summoned from the pulpit, and failing to appear, are reported to the Presbytery; ordered by it to be cited to appear before it from the pulpits of all the churches within the bounds; and not compearing, are declared by the Presbytery to be fugitives from Church discipline, intimation of which is to be made in all the churches within the bounds.—*Form of Process.*

Institution of proceedings by Petition.

It is competent for parishioners who feel themselves aggrieved by a deliverance of the kirk-session to which they are not a party, to approach the Presbytery by way of petition. No petition can be received containing matter which might otherwise have been brought under the cognisance of the court petitioned.

II.—PRESBYTERIES.

Calling of pro re nata and extraordinary Meetings
(see p. 32).

The moderator for the period may at any time call a *pro re nata* meeting on a requisition from the brethren, or at his own instance, when a matter appears of sufficient urgency to require such a step,—sufficient time being allowed and due notice being

given to all the members. The particular business must be stated in the circular, and no other business whatever can be transacted, unless that commissions from kirk-sessions in favour of representative elders can be received, and the names of those elders be added to the roll.

Extraordinary meetings of Presbytery can be held by the express authority of a superior court.

Holding of Presbyterial Visitations.

A presbyterial visitation of a parish is now a rare occurrence. When resorted to, notice must be given from the pulpit ten free days before it takes place. Heritors, elders, and members of congregation are summoned to be present and to acquaint the Presbytery if they know anything amiss in their minister, elders, and other office-bearers in the parish. After public worship the elders are examined upon oath, and the heads of families are interrogated in general. The visitation is concluded with prayer.—Hill's *Practice*.

